

Registered Federal

Wednesday
September 11, 1985

Selected Subjects

Administrative Practice and Procedure
Veterans Administration

Antibiotics
Food and Drug Administration

Aviation Safety
Federal Aviation Administration

Banks, Banking
Farm Credit Administration

Equal Employment Opportunity
Interior Department

Exports
International Trade Administration

Fisheries
National Oceanic and Atmospheric Administration

Government Procurement
General Services Administration

Motor Vehicle Safety
National Highway Traffic Safety Administration

Pesticides and Pests
Environmental Protection Agency

Security Measures
Nuclear Regulatory Commission



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Rules and Regulations

Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 25 and 95

Access to and Protection of National Security Information and Restricted Data

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to incorporate an exception to personnel security background investigation requirements for access to certain Communications Security (COMSEC) information; to provide a procedure to ensure that licensees obtain prior NRC approval to effect any substantive changes to a licensee's security plan; and to adopt several revisions that are strictly ministerial in nature. These actions will revise NRC's regulations to reflect current agency policy and practice and make clarifications to the regulations that past agency experience indicates are necessary.

EFFECTIVE DATE: October 11, 1985.

FOR FURTHER INFORMATION CONTACT: Richard A. Dopp, Chief, Policy and Operational Support Branch, Division of Security, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-4124.

SUPPLEMENTARY INFORMATION: On March 13, 1985, the NRC published a proposed rule in the Federal Register (50 FR 10064) seeking to revise its regulations. No public comments were received as a result of this publication. Therefore, the proposed revisions will be adopted as originally drafted. Specifically, the National Communications Security Committee (NCSC) had granted NRC an exception

to personnel security background investigation requirements relating to access by certain NRC licensee individuals to Communications Security (COMSEC) information. This exemption was granted in accordance with Section IV of NCSC-2, "National Policy on Release of Communications Security Information to U.S. Contractors and Other U.S. Nongovernmental Sources," and exempts NRC licensee facility security officers from the requirement of having a full field background investigation, current within five years, as a precondition for access to COMSEC information. All NRC licensee individuals involved currently have and will continue to possess, as a minimum, an NRC-granted "L" access authorization based on a National Agency Check (NAC) background investigation. The COMSEC information to which NRC licensee personnel may need access is limited to Confidential-National Security Information material. This exemption will be limited to fewer than ten NRC licensee and other facilities, and is based, in part, on the level of classification involved (Confidential), the short duration of classification normally experienced, and the lack of impact on other government communications. Therefore, in order to implement this exception, revisions to current NRC regulations are needed. Specifically, the current § 25.15 and § 95.35 state that an NRC "Q" access authorization is required as a precondition for access to COMSEC information. These sections are amended to reflect that an NRC "L" access authorization is sufficient for access to COMSEC information of the level and type specifically referenced by the recent NCSC exemption decision.

In a separate matter, the NRC staff has recognized a need to revise its regulations to better provide for changing security conditions at approved NRC security facilities covered by 10 CFR Part 95. The guidelines will clarify NRC policy by acknowledging that certain actions planned by the licensee at a security facility (e.g., remodeling or renovation of offices, moving NRC interests from one room or building to another) require the advance approval of NRC. A new section is now added to provide a procedure whereby the licensee would seek the advance approval of the NRC regarding any proposed substantive

changes to the name, location, security procedures and controls, or floor plan of the security facility. NRC was concerned that the current § 95.15(d), which allows the licensee to make a change in an NRC approved security plan for the safeguarding of National Security Information and/or Restricted Data without prior NRC approval (provided the change did not decrease the effectiveness of the plan), may not be sufficiently precise. Whether or not a change contemplated by a licensee to a security plan decreases the plan's effectiveness is highly subjective. NRC staff has concluded that § 95.15(d) will be deleted in favor of a new § 95.18, which sets forth, in greater detail, the circumstances under which licensees may make changes to the name, location, security procedures and controls, and/or floor plan of the approved security facility. A new § 95.18(a) outlines a procedure whereby the licensee would require advance NRC approval prior to adopting revisions to the minimum security conditions upon which facility approval had originally been granted. A new § 95.18(b) now prescribes in greater detail those changes to security operations not requiring advance NRC approval but requiring prompt notification by the licensee. This revision will better ensure that changing conditions at a security facility, potentially impacting the protection of National Security Information and/or Restricted Data, are brought to the attention of NRC far enough in advance to provide a better opportunity to review and resolve them and avoid a situation which could affect continuing security facility approval.

Finally, NRC staff has identified several revisions that are generally ministerial in nature which should clarify and improve the effectiveness and accuracy of 10 CFR Parts 25 and 95.

Environmental Impact: Categorical Exclusion

The NRC has determined that this proposed regulation is the type of action described in categorical exclusion 10 CFR 51.22(c)(1). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this proposed regulation.

Paperwork Reduction Act Statement

This final rule amends information collection requirements that are subject

to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). These requirements were approved by the Office of Management and Budget approval number 3150-0047.

Regulatory Analysis

The Commission has prepared a regulatory analysis on this final regulation. The analysis examines the costs and benefits of the alternatives considered by the Commission. The analysis is available for inspection in the NRC Public Document Room, 1717 H Street, NW, Washington, DC. Single copies of the analysis may be obtained from Lawrence P. Himmelsbach, Division of Security, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492-4129.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980 (5 U.S.C. 605 (b)), the Commission certifies that this rule will not have a significant economic impact on a substantial number of small entities. Each NRC licensee or other organization which may require access to National Security Information and/or Restricted Data in connection with a license or application for a license will be impacted by this rule. Only 12 entities (which include five fuel cycle facilities, three transportation companies, one reactor and three other organizations) are currently required to meet the requirements of 10 CFR Parts 25 and 95. Because none of these has been determined to be small as defined by the Regulatory Flexibility Act of 1980, the Commission finds that this rule will not have a significant economic impact upon a substantial number of small entities.

List of Subjects

10 CFR Part 25

Classified information, Investigations, Penalty, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 95

Classified information, Penalty, Reporting and recordkeeping requirements, Security measures.

For the reasons set out in the preamble and under the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, the Independent Offices Appropriation Act of 1952 and 5 U.S.C. 553, the NRC is adopting the following amendments to 10 CFR Parts 25 and 95.

PART 25—ACCESS AUTHORIZATION FOR LICENSEE PERSONNEL

1. The authority citation for Part 25 continues to read as follows:

Authority: Secs. 145, 161, 68 Stat. 942, 948, as amended (42 U.S.C. 2165, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); E.O. 10865, as amended, 3 CFR 1959-1963 COMP., p. 398 (50 U.S.C. 401, note); E.O. 12356, 47 FR 14874, April 6, 1982.

Appendix A also issued under 96 Stat. 1051 (31 U.S.C. 9701).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 25.13, 25.17(a), 25.33 (b) and (c) are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 25.13 and 25.33(b) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In § 25.5, the definition of "L" access authorization is revised to read as follows:

§ 25.5 Definitions.

"L" access authorization means an access authorization granted by the Commission which is normally based on a National Agency Check (NAC) or NAC and Inquiries (NACI) conducted by the Office of Personnel Management.

3. In § 25.15, paragraph (b) is revised to read as follows:

§ 25.15 Access permitted under "Q" or "L" access authorization.

(b) An "L" access authorization permits an individual access on a need-to-know basis to Confidential Restricted Data and Secret and Confidential National Security Information other than the categories specifically included in paragraph (a) of this section. In addition, access to certain Confidential COMSEC information is permitted as authorized by a National Communications Security Committee waiver dated February 14, 1985.

PART 95—SECURITY FACILITY APPROVAL AND SAFEGUARDING OF NATIONAL SECURITY INFORMATION AND RESTRICTED DATA

4. The authority citation for Part 95 continues to read as follows:

Authority: Secs. 145, 161, 68 Stat. 942, 948, as amended (42 U.S.C. 2165, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); E.O. 10865, as amended, 3 CFR 1959-1963 COMP., p. 398 (50 U.S.C. 401, note); E.O. 12356, 47 FR 14874, April 6, 1982.

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 95.13, 95.15(a), 95.25, 95.27, 95.29(b), 95.31, 95.33, 95.35, 95.37, 95.39, 95.41, 95.43, 95.45, 95.47, 95.51, 95.53,

and 95.57 are also issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)).

5. In § 95.5, the definitions of "Authorized Classifier," "Infraction" and "L" access authorization are revised to read as follows:

§ 95.5 Definitions.

"Authorized Classifier" means an individual authorized in writing by appropriate authority to classify, declassify or downgrade the classification of information. This term applies to authorized derivative classifiers and authorized original classifiers.

"Infraction" means an act or omission involving failure to comply with NRC security requirements or procedures.

"L" access authorization means an access authorization granted by the Commission which is normally based on a National Agency Check (NAC) or NAC and Inquiries (NACI) conducted by the Office of Personnel Management.

§ 95.15 [Amended]

6. In § 95.15, paragraph (d) is removed.
7. A new § 95.18 is added to read as follows:

§ 95.18 Changes to security practices and procedures.

(a) Except as specified in paragraph (b) of this section, each licensee or other person shall obtain prior NRC approval for any proposed change to the name, location, security procedures and controls, or floor plan of the approved facility. A written description of the proposed change must be furnished to the NRC Director, Division of Security, Office of Administration, Washington, DC 20555, with a copy to the Regional Administrator of the cognizant Regional Office listed in Appendix A of Part 73. The NRC shall promptly respond in writing to all such proposals. Some examples of substantive changes requiring prior NRC approval include:

(1) A change in the approved facility's classified mail address; or

(2) A temporary or permanent change in the location of the approved facility (e.g., moving or relocating NRC's classified interest from one room or building to another).

(b) A licensee or other person may effect a minor, nonsubstantive change to an NRC approved facility security plan for the safeguarding of National Security Information and/or Restricted Data without receiving prior NRC approval, provided prompt notification of such

minor change is furnished to the addressee noted in paragraph (a) of this section, and the change does not decrease the effectiveness of the plan. Some examples of minor, nonsubstantive changes to the facility security plan include:

(1) The designation/appointment of a new facility security officer; or

(2) A revision to protective personnel patrol routine, provided the new routine continues to meet the minimum requirements of this part.

8. Section 95.19 is revised to read as follows:

§ 95.19 Grant, denial or termination of security facility approval.

The Division of Security shall provide notification in writing (or orally with written confirmation) to the licensee or other organization, of the Commission's grant, denial, or termination of security facility approval. This information shall also be furnished to representatives of NRC, NRC licensees, NRC contractors, or other Federal agencies having a need to transmit National Security Information and/or Restricted Data to the licensee or other person.

9. In § 95.21, the heading is revised to read as follows:

§ 95.21 Withdrawal of requests for security facility approval.

10. In § 95.25, the heading is revised to read as follows:

§ 95.25 Protection of National Security Information and Restricted Data in storage.

11. Section 95.27 is revised to read as follows:

§ 95.27 Protection while in use.

While in use, matter containing National Security Information or Restricted Data must be under the direct control of an authorized individual to preclude physical, audio and visual access by persons who do not have the prescribed access authorization or other written Division of Security disclosure authorization (see § 95.36 for additional information concerning disclosure authorizations).

12. The heading of § 95.35 and paragraph (a)(1) are revised to read as follows:

§ 95.35 Access to National Security Information and Restricted Data.

(a) * * *

(1)(i) A "Q" access authorization which permits an individual access to (A) Secret and Confidential Restricted Data and (B) Secret and Confidential National Security Information which includes intelligence information,

CRYPTO (i.e., cryptographic information) or other classified communications security (COMSEC) information, or

(ii) An "L" access authorization which permits an individual access to Confidential Restricted Data and Secret and Confidential National Security Information other than that noted in paragraph (a)(1)(i) of this section except that, access to certain Confidential COMSEC information is permitted as authorized by a National Communications Security Committee waiver dated February 14, 1984.

13. IN § 95.41, the heading is revised to read as follows:

§ 95.41 Accountability for Secret matter.

14. In 95.53 the heading and paragraph (b) are revised to read as follows:

§ 95.53 Termination of security facility approval.

(b) In any instance where security facility approval has been terminated based on a determination of the Commission that further possession of classified matter by the facility would not be in the interest of the national security, the facility shall, upon notice from the Commission, immediately deliver all classified documents and materials to the Commission along with a certificate of nonpossession of National Security Information and Restricted Data.

15. Section 95.95 is revised to read as follows:

§ 95.95 Continued applicability of the regulations in this part.

The suspension, revocation or other termination of access authorization or the termination of security facility approval shall not relieve any person from compliance with the regulations in this part.

16. Section 95.59 is revised to read as follows:

§ 95.59 Inspections.

The Commission shall make inspections and surveys of the premises, activities, records and procedures of any person subject to the regulations in this part as the Commission deems necessary to effect the purposes of the Act, E.O. 12358 and/or NRC rules.

Dated at Bethesda, MD this 30th day of August, 1985.

For the Nuclear Regulatory Commission,
William J. Dircks,

Executive Director for Operations.

[FR Doc. 85-21740 Filed 9-10-85; 8:45 am]

BILLING CODE 7590-01-M

FARM CREDIT ADMINISTRATION

12 CFR Part 611

Organization

AGENCY: Farm Credit Administration.

ACTION: Final rule with request for comments.

SUMMARY: The Farm Credit Administration (FCA), by its Federal Farm Credit Board (Federal Board), has promulgated a new regulation, § 611.1145, that sets forth the standards and procedures under which the FCA may direct a transfer of funds and equities between Farm Credit System (System) institutions.

DATES: Effective September 10, 1985

Written comments must be received on or before October 9, 1985.

ADDRESSES: Submit comments in writing to Donald E. Wilkinson, Governor, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090. Copies of all communications received will be available for examination by interested parties in the Office of Director, Congressional and Public Affairs Division, Office of Administration, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT:

Kenneth L. Peoples, Office of the General Counsel, Farm Credit Administration 1501 Farm Credit Drive, McLean, VA 22102-5090, (703) 883-4024

SUPPLEMENTARY INFORMATION: The Farm Credit Act of 1971, as amended (Act), authorizes the FCA to regulate the borrowing, repayment, and transfer of funds and equities between System institutions. The FCA has adopted final regulations setting forth the standards and procedures under which it may direct a transfer of funds or equities between System institutions in the exercise of such power.

The primary source of funding for System banks and associations is debt capital obtained through the sale by the banks of long-term notes, bonds, debentures and other similar obligations, and short-term discount notes (hereinafter referred to collectively as "bonds") in the national capital markets. The joint and several liability of the banks on Systemwide bonds makes the System's financial condition only as strong as the sum of all of its component parts.

The System has used Systemwide bonds and discount notes almost exclusively over the last several years to finance lending activity. Should any bank default on its obligation to repay a

Systemwide bond for which the bank is primarily liable within the meaning of section 4.4(a) of the Act, the volume and price aspects of System funding operations would be very negatively affected. While the Act provides for a method to cure a bond default through a call by the Governor for payment first upon the other banks operating under the same title of the Act, and then upon other System banks for payment, such a default would damage, perhaps irreparably, the System's credibility and viability in the capital markets.

A significant decrease in the volume of funds available or a significant increase in the costs of the funds obtained could prevent System banks and associations from providing adequate levels of credit at competitive rates. The rates that are charged on System bonds are most likely to reflect investor assessments of the System's internal financial condition and the safety and soundness of its bonds relative to alternative investments.

Because of the dependence on the funding mechanism, it is imperative that the System address each district's financial problems swiftly in order to maintain investors' confidence that the System is effectively managing its assets and financial resources and will have no difficulty paying interest or principal on bonds as due. Absent adequate System action, it is imperative that the FCA utilize all of its authority under the Act to cause the System to marshal its resources in order to obviate defaults by System institutions on their financial obligations.

The final regulation sets forth standards and procedures under which the FCA may direct the sharing of resources by System institutions through the transfer of funds and equities to assure satisfaction of their financial responsibilities to each other and to investors. The FCA may direct such transfer between System banks when stock of a bank is impaired, the debt-to-capital ratio of a bank exceeds 20 to 1, a bank will be unable to repay its debt obligations, or a bank is not financially viable under specified criteria. Specific attention should be given to the formula for establishing financial viability.

The four criteria used to determine the financial viability of System institutions were developed by a committee of System financial officers and FCA staff. Criterion (b)(4)(i), the ratio of stock to earned net worth, measures the ability to absorb losses from retained earnings rather than from capital stock. A ratio of stock to earned net worth that exceeds 2 to 1 is a leading indicator that the capital structure of the institution has been seriously weakened. The critical

value for this criterion is not applicable to banks for cooperatives because of their unique capital structure. Criterion (b)(4)(ii), relating to the ratio of debt to net worth, also measures the capital strength of the institution. A ratio exceeding 15 to 1 indicates a serious depletion of capital strength. Criterion (b)(4)(iii), relating to the amount of nonearning assets held, is an indicator of the quality of the assets in the institution's portfolio. When the level of nonearning assets reaches 15 percent of total assets, the institution may suffer severe operating losses or be required to charge a noncompetitive lending rate. Criterion (b)(4)(iv), relating to lendable equity, measures the ability of an institution to generate earnings. A negative lendable equity level indicates the institution no longer has the ability to generate operating earnings at competitive lending rates.

The regulation is applicable to System Federal land bank associations (FLBAs) and production credit associations (PCAs), as well as System banks. Associations benefit directly from bond issues in that bonds, issued through the banks, provide virtually the exclusive source of funds for association lending. The ability of a district bank to maintain a level of financial viability adequate to meet its obligations is largely dependent on the continued financial viability of its stockholder associations. The interests of banks and associations are inextricably intertwined so that financial conditions at one level necessarily support financial viability at the other level. The substantial benefits that associations derive from access to funds through their banks carry corresponding responsibilities on those associations to provide underlying financial support at their level to their banks.

Accordingly, paragraph (c) of the regulation provides that the FCA may direct a transfer of funds or equities between FLBAs or between PCAs where necessary to support their district bank, to support one another as determined by applying the criteria set forth in paragraphs (b)(2) and (b)(4) of the regulation to the associations, or to implement a System plan to provide financial assistance to their district bank. The ratio of debt to capital referenced in paragraph (b)(4)(ii) is 9 to 1 as applied to associations.

The regulation provides that the FCA shall establish the amount, timing, direction, repayment, and other terms of assessment necessary to accomplish a transfer, and the FCA may authorize a district bank to accomplish a transfer of funds or equities between associations

through debits and credits to the accounts of the bank.

In acting on the regulation, the Federal Board determined that the financial condition of the banks and associations in a number of districts requires that the FCA have fully implemented its powers under the Act to regulate the sharing of resources between System institutions. Thus, the Federal Board found that public notice and publication for comment are not necessary and are contrary to the public interest, although the public will have 30 day to submit written comments to the Agency after the publication of the final regulation. For the same reasons, the Federal Board, acting pursuant to section 5.18(b)(2) of the Act, waived the 30-day period otherwise applicable under subparagraph (b)(1) of that section to final FCA Regulations. In accordance with 12 U.S.C. § 2252(b)(2), the regulation is effective on the date of publication.

List of Subjects in 12 CFR Part 611

Agriculture, Banks, banking,
Organization and functions
(Government agencies), Rural areas.

PART 611—ORGANIZATION

As stated in the preamble, Part 611 of Chapter VI, Title 12 of the Code of Federal Regulations, is to be revised as follows:

1. The authority citation for Part 611 continues to read as follows:

Authority: Secs. 1.13, 2.10, 4.12, 5.9, 5.12, 5.18, Pub. L. 91-181, 85 Stat. 619, 620, 621 (12 U.S.C. 2031, 2091, 2183, 2243, 2246 and 2251).

2. Subpart H is redesignated as Subpart I and a new Subpart H is added, the table of contents to read as follows:

Subpart H—Rules of Inter-System Fund Transfers

Sec.
611.1145 Inter-System transfer of funds and equities.

Subpart H—Rules for Inter-System Fund Transfers

§ 611.1145 Inter-System transfer of funds and equities.

(a) Section 5.18(11) of the Act authorizes the FCA to regulate the borrowing, repayment, and transfer of funds and equities between institutions of the System, including banks, associations, and service organizations organized under the Act. This section sets forth the circumstances and procedures under which the FCA may direct such a transfer of funds and equities based on its determination with respect to the financial condition of one

or more institutions of the System. For purposes of this section, the term "bond" refers to long-term notes, bonds, debentures, or other similar obligations, or short-term discount notes issued by one or more banks pursuant to section 4.2 of the Act.

(b) The FCA may direct a transfer of funds or equities by one or more banks of the System to another bank of the System where it determines that:

(1) The receiving institution will not be able to make payments of principal or interest on bonds for which it is primarily liable within the meaning of section 4.4(a) of the Act; or

(2) The common or preferred stock, participation certificates, or allocated equities of the receiving institution have a book value less than their par or stated values; or

(3) The total bonds outstanding for which the receiving institution is primarily liable exceed 20 times the combined capital and surplus accounts of the bank; or

(4) Based on application to it of one or more of the following ratios, the receiving institution is not financially viable in that it will not be able to continue to extend new or additional credit or financial assistance to its eligible borrowers:

(i) The ratio of stock to earned net worth (including legal reserve, unallocated and reserved surplus, undistributed earnings, and allowance for losses) exceeds 2 to 1;

(ii) The ratio of the outstanding bonds to capital and surplus exceeds 15 to 1;

(iii) Nonearning assets (any noninterest-bearing assets, including but not limited to cash, nonaccrual loans, net fixed assets, acquired property, accrued interest receivable, and accounts receivable) exceed 15 percent of total assets;

(iv) Lendable net worth (interest-earning assets less interest-bearing liabilities) is zero or less.

(c) The FCA may direct a transfer of funds or equities between two or more Federal land bank associations or two or more production credit associations in district where it determines that such transfer:

(1) Is necessary to provide financial support to the district bank in which those associations are stockholders based on application of the criteria to the bank as set forth in paragraph (b) of this section; or

(2) Is necessary to provide financial support to one or more other like associations in the district based on application of the criteria set forth in paragraphs (b)(2) or (b)(4) of this section to the associations, provided that in applying paragraph (b)(4)(ii) of this

section the ratio of outstanding indebtedness to capital and surplus of the receiving associations(s) shall not exceed 9 to 1; or

(3) Is an integral part of a plan that has been adopted by other institutions of the System, and approved by the FCA, under which those institutions will extend financial assistance to the district bank in which those associations are stockholders.

(d) A direction by the FCA for a transfer of funds or equities pursuant to this section shall be signed by the Governor and shall establish the amount, timing, duration, repayment, and other terms of assessments necessary to accomplish such transfer, taking into consideration the financial condition of each institution to be assessed. Where the FCA directs a transfer of funds or equities between associations under paragraph (c)(1) or (c)(2) of this section, it may authorize the district bank in which such associations are stockholders to accomplish the necessary assessments through debits and credits to the accounts of the bank.

Donald E. Wilkinson,

Governor.

[FR Doc. 85-21794 Filed 9-10-85; 8:45 am]

BILLING CODE 6705-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85-ANE-28; Amdt. 39-5132]

Airworthiness Directives; Grob-Werke GmbH Model G109 Powered Gliders (Serial Nos. 6001 Through 6159 Inclusive) and Model G109B (Serial Nos. 6200 Through 6317 Inclusive) Certificated in Any Category

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspection and replacement if necessary, of the main landing gear legs on certain Grob G109 powered gliders. The AD is needed to detect and prevent cracks in the main landing gear legs which could result in failure of the landing gear.

DATES: Effective—September 19, 1985.

Compliance schedule—As prescribed in the body of the AD.

Incorporation by Reference—

Approved by the Director of the Federal Register effective September 19, 1985.

ADDRESSES: The applicable service information may be obtained from: Burkhart Grob of America Incorporated, 1070 Navajo Drive, Bluffton Airport Complex, Bluffton, Ohio 45817.

A copy of the applicable service documents is contained in the Rules Docket, FAA, New England Region, Room 311, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT:

Mr. Terry Fahr, ANE-153, Boston Aircraft Certification Office, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7103.

SUPPLEMENTARY INFORMATION: The FAA has determined that cracks have developed in the region of the main landing gear leg boreholes due to overstressing on hard landings on two Grob G109 Powered Gliders. The cracks led to failure of the landing gear by fatigue. As a result of this failure, Grob-Werke GmbH has issued Technical Information TM 817-19 dated March 18, 1985, which requires inspection and replacement of the main landing gear legs. Luftfahrt Bundesamt (LBA), who has the responsibility and authority to maintain the continuing airworthiness of these powered gliders in the Federal Republic of Germany, has classified Grob-Werke Technical Information TM 817-19 dated March 18, 1985, and the actions recommended therein by the manufacturer, as mandatory to assure the continued airworthiness of the affected powered gliders. LBA has issued AD 85-132 dated June 12, 1985, which requires owners of certain Grob-Werke G109 and G109B powered gliders to accomplish the provisions of Grob-Werke Technical Information TM 817-19, dated March 18, 1985.

Since this condition is likely to exist on other powered gliders of the same type design, an AD is being issued which requires inspection, and replacement if necessary, of the main landing gear legs on certain Grob G109 and G109B powered gliders.

Since a situation exist that requires the immediate adoption of this regulation, it is found that notice and public procedure herein are impracticable and good cause exists for making this amendment effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves 51 aircraft and will cost approximately \$200 per aircraft. Therefore, I certify that this action (1) is not a "major rule" under

Executive Order 12291, and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contracting the person identified under the caption "FOR FURTHER INFORMATION CONTACT".

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the FAA amends Part 39 of the Federal Aviation Regulations (FAR) as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.69.

2. By adding the following new AD:

Burkhart Grob: Applies to Model G109 Powered Gliders (serial numbers 6001 through 6159 inclusive) and Model G109B Powered Gliders (serial numbers 6200 through 6317 inclusive) certificated in any category.

Compliance is required as indicated unless already accomplished.

To prevent failure of the main landing gear legs, accomplish the following:

(a) Within the next 10 hours time in service, inspect the landing gear legs to determine if they are constructed with boreholes (P/N 109-5000.01) or without boreholes (P/N 109B-5000.01) in accordance with Instruction 1 of Grob-Werke Technical Information TM 817-19, dated March 18, 1985.

(b) If the landing gear is equipped with legs without boreholes no further action is necessary.

(c) If the glider is equipped with landing gear legs with boreholes:

(1) Within the next 10 hours time in service and thereafter at intervals not to exceed 25 hours time in service from the last inspection, inspect the legs for cracks in accordance with Instruction 2 of Grob-Werke Technical Information TM 817-19, dated March 18, 1985. If cracks are found, replace landing gear leg with a serviceable part before further flight.

(2) Exchange landing gear legs with boreholes for landing gear legs without boreholes in accordance with Instruction 4 of Grob-Werke Technical Information TM 817-19, dated March 18, 1985, no later than October 31, 1985.

Note.—Dimensions shown in TM 817-19 are in millimeters.

Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Aircraft Certification Office, AEU-100, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium 09667-1011, telephone 513.38.30.

Upon submission of substantiating data by an owner or operator through an FAA

maintenance inspector, the Manager, Brussels Aircraft Certification Office, may adjust the compliance time specified in this AD.

Grob-Werke Technical Information TM 817-19 dated March 18, 1985, is incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received this document from the manufacturer may obtain copies upon request to Burkhart Grob of America Incorporated, 1070 Navajo Drive, Bluffton Airport Complex, Bluffton, Ohio 45817. These documents also may be examined at the Office of the Regional Counsel, FAA, New England Region, Room 311, 12 New England Executive Park, Burlington, Massachusetts 01803.

This amendment becomes effective on September 19, 1985.

Issued in Burlington, Massachusetts on August 23, 1985.

Robert E. Whittington,
Director, New England Region.

[FR Doc. 85-21609 Filed 9-10-85; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 85-ANE-27; Amdt. 39-5131]

Airworthiness Directives; Grob-Werke GmbH Model G102 Astir CS Gliders (Serial Nos. 1001 Through 1536 Inclusive) Certificated in Any Category

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspection, and replacement if necessary, of the airbrake locking levers and revision of the flight manual to require an airbrake lever inspection on certain Grob G102 Astir CS Gliders. The AD is needed to prevent failure of the air brake locking levers which could result in asymmetric deployment of the airbrake, an unsafe flight condition.

DATES: Effective—September 19, 1985.

Compliance schedule—As prescribed in the body of the AD.

Incorporation by Reference—Approved by the Director of the Federal Register effective September 19, 1985.

ADDRESSES: The applicable service information may be obtained from: Burkhart Grob of America Incorporated, 1070 Navajo Drive, Bluffton Airport Complex, Bluffton, Ohio 45817.

A copy of the applicable service documents is contained in the Rules Docket, FAA, New England Region, Room 311, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Mr. Terry Fahr, ANE-153, Boston Aircraft Certification Office, FAA, New

England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7103.

SUPPLEMENTARY INFORMATION: The FAA has determined that failure of an airbrake locking lever has occurred due to cracks in one leg of the lever, causing a one sided failure of the airbrake on a Grob Model Astir CS glider. As a result of this failure, Grob-Werke GmbH has issued Technical Information (TM) 306-26 which requires inspection, and replacement if necessary, of the airbrake locking levers and revision of the flight manual to require an airbrake lever inspection. Luftfahrt Bundesamt (LBA), who has the responsibility and authority to maintain the continuing airworthiness of these gliders in the Federal Republic of Germany, has classified Grob-Werke Technical Information TM 306-26 dated March 25, 1985, and the actions recommended therein by the manufacturer, as mandatory to assure the continued airworthiness of the affected gliders. LBA has issued AD 85-98 Grob dated May 2, 1985, which requires owners of certain Grob-Werke Model Astir gliders to accomplish the provisions of Grob-Werke Technical Information TM 306-26, dated March 25, 1985.

Since this condition is likely to exist or develop on other gliders of the same type design, an AD is being issued which requires accomplishment of the provisions of Grob-Werke Technical Information TM 306-26 on certain Grob G102 Model Astir CS gliders.

Since a situation exists that requires the immediate adoption of this regulation it is found that notice and public procedure herein are impracticable and good cause exists for making this amendment effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves 49 aircraft and will cost approximately \$400 per aircraft. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291, and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT".

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the FAA amends Part 39 of the Federal Aviation Regulations (FAR) as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

2. By adding the following new AD:

Burkhart Grob: Applies to model G102 Astir CS Gliders (serial numbers 1001 through 1536 inclusive) certificated in any category.

Compliance is required as indicated unless already accomplished.

To prevent failure of the air brake locking levers, accomplish the following:

(a) Within the next 10 hours time in service after the effective date of this AD, cut inspection holes in the wing root ribs and inspect the air brake levers (P/Ns 102-4123 and 102-4124) in accordance with Instruction 1 of Grob-Werke Technical Information TM 306-26, dated March 25, 1985.

(b) If solid cast aluminum levers are found, accomplish paragraph (d).

(c) If cast aluminum levers with a centerhole are found, accomplish the following:

(1) Install inspection windows in the wing and replace page 3 and add page 26a to the flight manual in accordance with Instruction 2 of Grob-Werke Technical Information TM 306-26, dated March 25, 1985, no later than March 31, 1986.

(2) Within the next 10 hours time in service after the effective date of this AD and thereafter at intervals not to exceed 10 hours, inspect the airbrake locking levers for cracks in accordance with Instruction 3 of Grob-Werke Technical Information TM 306-26, dated March 25, 1985, until accomplishment of Instruction 4 of Grob-Werke Technical Information TM 306-26, dated March 25, 1985. If cracks are found, replace airbrake locking lever with a serviceable part before further flight.

(d) Replace the cast aluminum airbrake levers with the sheet aluminum airbrake levers in accordance with Instruction 4 of Grob-Werke Technical Information TM 306-26, dated March 25, 1985, no later than 3000 hours time in service.

Note.—Dimensions shown in TM 306-26 are in millimeters.

Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Aircraft Certification Office, AEU-100, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium 09667-1011, telephone 513.38.30.

Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Manager, Brussels Aircraft Certification Office may adjust the compliance time specified in this AD.

Grob-Werke GmbH Technical Information TM 306-26 dated March 25, 1985, is incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not

already received this document from the manufacturer may obtain copies upon request to Burkhart Grob of American Incorporated, 1070 Navajo Drive, Bluffton Airport Airport Complex, Bluffton, Ohio 45817. These documents also may be examined at the Office of the Regional Counsel, FAA, New England Region, Room 311, 12 New England Executive Park, Burlington, Massachusetts 01803.

This amendment become effective on September 19, 1985.

Issued in Burlington, Massachusetts on August 23, 1985.

Robert E. Whittington,
Director, New England Region.

[FR Doc. 85-21611 Filed 9-10-85; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 83-ANE-24; Amdt. 39-5130]

Airworthiness Directives; General Electric Model CJ610-8A, -9, and CF700-2D, -2D-2 Turbine Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which imposes a reduced retirement life for certain stage 1 turbine disks on General Electric model CJ610-8A, -9, and CF700-2D, -2D-2 turbine engines. The AD is prompted by marginal disk material fatigue properties which could result in disk fracture.

DATES: Effective—November 15, 1985.

Compliance schedule—As prescribed in body of AD.

Incorporation by Reference—Approved by the Director of the Federal Register effective November 15, 1985.

ADDRESSES: The applicable service bulletins (SBs), may be obtained from the Project Manager, CJ610/CF700, General Electric Company, 1000 Western Avenue, Lynn, Massachusetts 01910; telephone (617) 594-0100.

A copy of each of the SBs is contained in Rules Docket No. 83-ANE-24 in the Office of the Regional Counsel, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803 and may be examined between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Kirk E. Gustafson, Engine Certification Branch, ANE-141, Engine Certification Office, Aircraft Certification Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington,

Massachusetts 01803; telephone (617) 273-7094.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations (FAR) to include an AD requiring a reduction in retirement life for certain stage 1 turbine disks on General Electric model CJ610-8A, -9, and CF700-2D, -2D-2 turbine engines was published in the Federal Register on March 1, 1984, (49 FR 7582).

The FAA has determined that stage 1 turbine disks, Part Number (P/N) 5011T7P01 with serial numbers beginning with the letters GATSRM, installed in General Electric model CJ610-8A, -9, and CF700-2D, -2D-2 turbine engines, have reduced cyclic life due to grain size effects on material fatigue properties. Since this condition is likely to exist on engines incorporating these turbine disks, the AD would require removal of these disks from service, in accordance with General Electric Alert SBs (CJ610) A72-142 and (CF700) A72-145 at, or prior to, accumulating 5,000 total cycles.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received. Accordingly, the proposal is adopted without change.

Conclusion

The FAA has determined that this regulation only involves 45 engines, the approximate cost to each engine is \$23,730 and 9 or less small entities are affected. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT".

List of Subjects in 14 CFR Part 39

Engines, Air transportation, Aircraft, Aviation safety, Incorporation by reference.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the FAA amends Part 39 of the FAR as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

2. By adding the following new AD:

General Electric Company: Applies to General Electric Model CJ610-8A, -9, and CF700-2D-2 turbine engines.

Compliance is required as indicated unless already accomplished.

To prevent failure of the stage 1 turbine disk, P/N 5011T75P01, with serial numbers beginning with the letters GATSRM, accomplish the following:

Remove the disk from service in accordance with General Electric Alert SBs (CJ610) A72-142 or (CF700) A72-145, dated August 30, 1983, at or prior to accumulating 5,000 total cycles.

Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

Upon request, an alternative means of compliance may be approved by the Manager, Engine Certification Office, Aircraft Certification Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803.

The General Electric Alert SBs (CJ610) A72-142 and (CF700) A72-145, dated August 30, 1983, described in this directive are incorporated herein and made part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received the SBs from the manufacturer may obtain copies upon request to Project Manager, CJ610/CF700, General Electric Company, 1000 Western Avenue, Lynn, Massachusetts 01910. These documents also may be examined at the Office of the Regional Counsel, Federal Aviation Administration, New England Region, Rules Docket No. 83-ANE-24, 12 New England Executive Park, Burlington, Massachusetts 01803, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

This amendment becomes effective on November 15, 1985.

Issued in Burlington, Massachusetts, on August 22, 1985.

Robert E. Whittington,
Director, New England Region.

[FR Doc. 85-21610 Filed 9-10-85; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 85-ASW-55; Amdt. 39-5127]

Airworthiness Directives; Hughes Helicopters, Inc., Model 369 A, D, E, H, HE, HM, and HS Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires a one-time dye penetrant and tap test inspection as well as repetitive

preflight checks of certain tail rotor blades for abrasion strip separation on Hughes Helicopters, Inc., Model 369 A, D, E, H, HE, HM, and HS series helicopters. The AD is prompted by reports of tail rotor blade abrasion strip separation which could result in loss of the tail rotor control and subsequent loss of the helicopter.

DATES: Effective September 19, 1985.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 19, 1985.

Compliance: As indicated in the body of the AD.

ADDRESSES: The applicable service information may be obtained from Hughes Helicopters, Inc., Centinela Avenue and Teale Street, Culver City, California 90230.

A copy of each document supporting the AD is contained in the Rules Docket, Office of the Regional Counsel, Federal Aviation Administration, Southwest Region, Room 158, Building 3B, 4400 Blue Mound Road, Fort Worth, Texas 76106.

FOR FURTHER INFORMATION CONTACT: Jerry Sullivan, Aerospace Engineer, Airframe Section, ANM-172W, Western Aircraft Certification Office, Northwest Mountain Region, FAA, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009-2007, telephone (213) 536-6166.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring a one-time dye penetrant and tap test inspection as well as repetitive preflight checks of certain tail rotor blades for abrasion strip separation on certain Hughes Helicopters, Inc., helicopters was published in the Federal Register on June 7, 1985 (50 FR 23994).

The proposal was prompted by one accident which occurred as a result of separation of a tail rotor blade abrasion strip during helicopter operation. In that case, loss of the abrasion strip on a Model 369A helicopter tail rotor blade caused rotor system imbalance and was the primary cause for subsequent failure of the tail rotor gearbox. An investigation by the manufacturer, Hughes Helicopters, Inc., has determined that the condition which results in debonding and separation of the abrasion strip may exist or develop on certain tail rotor blades of Model 369 series helicopters. Accordingly, an airworthiness directive is being issued which requires a one-time dye penetrant and tap test inspection and repetitive preflight checks of the abrasion strip bond.

Since this condition is likely to exist or develop on other helicopters of the same type design, an airworthiness directive is being issued which requires removal from service of tail rotor blades with abrasion strip debonding on certain Hughes Helicopters, Inc., Model 369 series helicopters.

Interested persons have been afforded an opportunity to participate in the making of this amendment. The comment period closed July 19, 1985. No comments were received. Accordingly, the proposal is adopted without change.

The FAA has determined that this regulation only involves 550 helicopters, and it is estimated that the one-time cost of compliance is less than \$50,000. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety, Incorporation by reference.

Adoption of the amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the FAR as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

2. By adding the following new AD:

Hughes Helicopters, Inc., (Hughes Helicopters): Applies to all Model 369 A (OH-6A), 369D, 369E, 369H, 369HE, 369HM, and 369HS series helicopters, certificated in all categories, equipped with Hughes Helicopters Inc., tail rotor blades, Part Numbers (P/N) 369D21613-11, 369D21613-41, 369D21615, 369A1613-7, 369A1613-503, and 421-088.

Compliance is required as indicated, unless already accomplished. To prevent possible loss of tail rotor control, accomplish the following:

(a) Within the next 100 hours' time in service after the effective date of this AD, perform a one-time dye penetrant and tap

test inspection on the affected tail rotor blades with the following serial numbers (S/N) in accordance with procedures detailed in paragraphs a through l of the "PROCEDURES" section of Part I of Hughes Service Information Notices (SIN) DN-130, EN-19, HN-197, dated November 14, 1984, or an FAA-approved equivalent.

Note.—If desired an alternate tap test tool to the one specified in paragraph h may be used.

Note.—Model 369A (OH-6A) is to comply with Hughes SIN HN-197.

Blade P/N's	Blade S/N's Affected
369D21613-11	All S/N's
369D21613-41	All S/N's
369D21615	0383 and all prior
369A1613-7	5747 and all prior
369A1613-503	8607 and all prior
421-008	0171 and all prior

(b) Before the first flight of each day after the effective date of this AD, visually check each tail rotor blade abrasion strip for any evidence of bond failure along the entire abrasion strip/airfoil bond line and at the blade tip using the procedure specified in Part II, paragraph a, Hughes S/N's DN-130, EN-19, HN-197, dated November 14, 1984, or an FAA-approved equivalent.

(c) If, during the check of paragraph (b), debonding along the abrasion strip/bond line or blade tip is suspected, inspect the tail rotor blade prior to further flight in accordance with Part II, paragraph b, of Hughes S/N's DN-130, EN-19, HN-197 dated November 14, 1984, or an FAA-approved equivalent.

(d) Remove from service all tail rotor blades where void indication or bond separation is noted.

Note.—Discrepant tail rotor blades may be returned to service after being repaired in accordance with FAA-approved data.

(e) Alternative inspections, modifications, or other actions which provide an equivalent level of safety may be used when approved by the Manager, Western Aircraft Certification Office, Hawthorne, California.

(f) The check required by paragraph (b) of this AD may be performed by the pilot and must be recorded in accordance with FAR § 43.9.

(g) Special flight permits may be issued in accordance with FAR §§ 21.197 and 21.199 to ferry aircraft to a maintenance base in order to comply with the requirements of this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Hughes Helicopters, Inc., Centinela Avenue and Teale Street, Culver City, California 90230. These documents also may be examined at the Office of the Regional Counsel, FAA, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas 76106.

This amendment becomes effective September 19, 1985.

Issued in Fort Worth, Texas, on August 20, 1985.

C.R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 85-21606 Filed 9-10-85; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 452

[Docket No. 85N-0394]

Antibiotic Drugs; Erythromycin Capsules

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations to provide for the inclusion of accepted standards for a new strength of erythromycin capsule. The manufacturer has supplied sufficient data and information to establish its safety and efficacy.

DATES: Effective September 11, 1985; comments, notice of participation, and request for hearing by October 11, 1985; data, information, and analyses to justify a hearing by November 12, 1985.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Room 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan M. Eckert, Center for Drugs and Biologics (HFN-815), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to a request for approval of a new strength (125 milligrams) of erythromycin capsule. The agency has concluded that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended in Part 452 (21 CFR Part 452) to provide for the inclusion of accepted standards for the product.

Environmental Impact

The agency has determined under 21 CFR 25.24(c)(6) (April 26, 1985; 50 FR 16636) that this action is of a type that does not individually or cumulatively

have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Submitting Comments and Filing Objections

This final rule announces standards that FDA has accepted in a request for approval of an antibiotic drug. Because this final rule is not controversial and because when effective it provides notice of accepted standards, notice and comment procedure and delayed effective date are found to be unnecessary and not in the public interest. The final rule, therefore, is effective September 11, 1985. However, interested persons may, on or before October 11, 1985 submit written comments to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this final rule may file objections to it and request a hearing. Reasonable grounds for the hearing must be shown. Any person who decides to seek a hearing must file (1) on or before October 11, 1985 a written notice of participation and request for hearing, and (2) on or before November 12, 1985, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 314.300. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch.

The procedures and requirements governing this order, a notice of

participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 314.300.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 452

Antibiotics, Macrolide.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 452 is amended as follows:

PART 452—MACROLIDE ANTIBIOTIC DRUGS

1. The authority citation for 21 CFR Part 452 continues to read as follows:

Authority: Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357); 21 CFR 5.10.

2. Part 452 is amended in § 452.110c by revising the second sentence in paragraph (a)(1) and by revising paragraph (b)(2) to read as follows:

§ 452.110c Erythromycin capsules.

(a) * * *

(1) * * * Each capsule contains either 125 milligrams or 250 milligrams of erythromycin. * * *

(b) * * *

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter, using the sample preparation method described in paragraph (d)(1) of that section.

Dated: August 30, 1985.

Daniel L. Michels,

Director, Office of Compliance, Center for Drugs and Biologics.

[FR Doc. 85-21634 Filed 9-10-85; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

Safety and Health Standards; Flammable and Combustible Liquids

CFR Correction

In Title 29 of the Code of Federal Regulations, Parts 1900-1910, revised as of July 1, 1985, in § 1910.106(b)(2)(iv)(f), appearing on page 223, the first paragraph should read as follows:

(f) Tanks and pressure vessels storing Class IA liquids shall be equipped with venting devices which shall be normally closed except when venting to pressure or vacuum conditions. Tanks and pressure vessels storing Class IB and IC liquids shall be equipped with venting devices which shall be normally closed except when venting under pressure or vacuum conditions, or with approved flame arresters.

Exemption: * * *

BILLING CODE 1505-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2641

Definitions; Arbitration of Disputes in Multiemployer Plans

Correction

In FR Doc. 85-20461 beginning on page 34679 in the issue of Tuesday, August 27, 1985, make the following correction:

§ 2641.7 [Corrected]

On page 34685, third column, in § 2641.7(a)(3), second line, "§ 2614.9" should have read "§ 2641.9".

BILLING CODE 1505-01-M

VETERANS ADMINISTRATION

38 CFR Part 19

Appeals Regulations; Rules of Practice

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: As a result of recent changes in legislation, the Veterans Administration is amending the Appeals Regulations of the Board of Veterans Appeals to reflect the expansion of the Board's jurisdiction to include questions concerning certain benefits for surviving spouses and children of deceased veterans. The Board of Veterans Appeals Rules of Practice are also being revised to provide for: Informal hearings; requests for opinions from the General Counsel of the Veterans Administration in individual appeals; reconsiderations involving allegations of the use of false or fraudulent evidence to obtain benefits from the Board; and vacating decisions.

EFFECTIVE DATE: October 11, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Jan Donsbach (01C), Special (Legal) Assistant to the Chairman, Board of Veterans Appeals, 810 Vermont Avenue, NW., Washington, DC 20420 (202-389-2978).

SUPPLEMENTARY INFORMATION: Proposed amendments to 38 CFR Part 19 were published in the *Federal Register* of April 17, 1985, at pages 15184 to 15186. Interested persons were given 30 days in which to submit comments, suggestions or objections. No comments were received. Minor technical changes have been made in the text.

Pub. L. 97-377 replaced certain benefits to surviving spouses and children of members of the Armed Forces who died on active duty before August 13, 1981, and former members who died as a result of service-connected disability incurred or aggravated before August 13, 1981. These benefits are intended to replace certain Social Security benefits withdrawn by Pub. L. 97-35, (the Omnibus Budget Reconciliation Act of 1981). Pursuant to Pub. L. 97-377, section 156, by Executive Order 12436 of July 29, 1983, the President designated the Veterans Administration as the Agency responsible for administering these benefits. The Veterans Administration is amending § 19.2(b), the regulation listing examples of the subject matter of appeals to the Board of Veterans Appeals, to reflect the Board's expanded jurisdiction to cover questions involving these benefits.

The amendments to §§ 19.157 and 19.176 are intended to formalize, respectively, the traditional practices with respect to informal hearings by the authorized representatives of appellants and the procurement of opinions of the General Counsel on legal questions in individual appeals.

The amendment to § 19.179 is designed to afford appellants notice when opinions of the General Counsel are obtained under amended § 19.176, as is now done in the case of advisory medical opinions.

The amendments to §§ 19.180, 19.185, 19.186, 19.187 and the new § 19.201 are designed to provide a formal procedure for reconsidering decisions based upon the allegation that an allowance of benefits by the Board has been materially influenced by false or fraudulent evidence submitted by or on behalf of the appellant. This procedure is designed to ensure an equitable uniformity in the limited number of cases involved, which are now handled individually under § 19.101(b).

The new § 19.201 is designed to formalize traditional practice in vacating decisions.

The Administrator has certified that these regulations will not, if promulgated, have a significant economic impact on a substantial number of small entities as they are

defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), this regulation therefore is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that the impact of these regulations is only upon individual benefit claimants. It will have no significant direct impact on small entities (i.e., small businesses, small private and nonprofit organizations, and small governmental jurisdictions).

The Agency has also determined that these regulations are nonmajor in accordance with Executive Order 12291, Federal Regulations, inasmuch as they will only affect individual claimants seeking Veterans Administration benefits, they will not result in any significant effect on the economy, they will not have any significant impact upon private or governmental costs, and they will not affect business enterprises or otherwise have any adverse effect on the economy.

There is no Catalog of Federal Domestic Assistance number involved.

List of Subjects in 38 CFR Part 19

Administrative practice and procedure, Claims, Veterans.

Approved September 4, 1985.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 19—BOARD OF VETERANS APPEALS

Part 19 of 38 CFR, Board of Veterans Appeals is amended as follows:

1. Section 19.2 is amended by adding an additional subject to the end of the listing contained in that section, to read as follows:

§ 19.2 Subject matter of appeals.

Benefits for surviving spouses and children of deceased veterans under Pub. L. 97-377, section 156. (38 CFR 3.612(d))

2. Section 19.157 is amended by adding a new paragraph (d) to read as follows:

§ 19.157 Rule 57; General.

(d) *Informal hearings.* This term is used to describe situations in which the appellant cannot, or does not wish to, appear. In the absence of the appellant, the authorized representative in Washington, DC, may present oral arguments to the Board without personally appearing before the Board of Veterans Appeals hearing panel. These arguments will be recorded and

transcribed by Board personnel for subsequent review by the panel members. This procedure will not be construed to satisfy an appellant's request to appear in person. (See 38 U.S.C. 4002)

3. Section 19.176 is amended by revising the title and by adding a new paragraph (c) to read as follows:

§ 19.176 Rule 76; Medical opinions and opinions of the General Counsel.

(c) *Opinion of the General Counsel.* The Board may obtain an opinion from the General Counsel of the Veterans Administration on legal questions involved in the consideration of an appeal. (38 U.S.C. 4004(c))

§ 19.179 [Amended]

4. Section 19.179 is amended by removing the word "medical" from the title.

5. In § 19.180, paragraph (b) is revised to read as follows:

§ 19.180 Rule 80; The decision.

(b) *Disposition of issues.* (1) The decision of the Board will dispose of each issue on appeal by allowance, denial, remand or dismissal, in whole or in part; or 38 U.S.C. 4004(a))

(2) If on reconsideration it is determined that an allowance of benefits by the Board has been materially influenced by false or fraudulent evidence submitted by or on behalf of the appellant, the prior decision of the Board will be vacated and the appeal voided with respect to those benefits. (38 U.S.C. 4004(a))

6. In § 19.185, paragraph (b) is revised and a new paragraph (c) is added to read as follows:

§ 19.185 Rule 85; When reconsideration is accorded.

(b) Upon discovery of new and material evidence in the form of records or reports of the military, naval or air service department concerned or officially corrected service department record; or (38 U.S.C. 4003, 4004(b))

(c) Upon allegation that an allowance of benefits by the Board has been materially influenced by false or fraudulent evidence submitted by or on behalf of the appellant. (38 U.S.C. 4004(a))

7. In § 19.186, paragraph (b)(1) is revised to read as follows:

§ 19.186 Rule 86; Filing and disposition of a motion for reconsideration.

(b) *Disposition.* * * *

(1) *Motion denied.* The appellant and representative or other appropriate party will be notified if the motion is denied. The notification will be signed by the Chairman and will include reasons why the allegations are found insufficient. This constitutes final disposition of the motion. (38 U.S.C. 4004(a))

8. Section 19.187 and the cross reference following it are revised to read as follows:

§ 19.187 Rule 87; Evidence considered.

(a) *Reconsideration based upon an allegation of obvious error of fact or law or new and material service department records or reports.* Reconsideration of an appellate decision for error shall be limited to review of the evidence of record at the time the decision was entered, but the Board may secure additional medical or legal opinion. Additional evidence, apart from service department records, submitted following the decision being reconsidered is subject to the provisions of Rule 94 (§ 19.194) concerning new and material evidence. (38 U.S.C. 4003, 4009)

(b) *Reconsideration based upon an allegation of false or fraudulent evidence.* Reconsideration of an appellate decision based upon an allegation that an allowance of benefits by the board has been materially influenced by false or fraudulent evidence submitted by or on behalf of the appellant will be limited to a review of the evidence of record at the time the decision was entered and only such additional evidence as it is required, in the Board's judgment, to establish the veracity of the evidence in question. The reconsideration panel will not readjudicate the underlying issue(s). (38 U.S.C. 4004(a))

Cross Reference: When reconsideration is accorded. See Rule 85, § 19.185. Disposition of issues. See Rule 80, § 19.180. Vacating a decision. See Rule 101, § 19.201.

9. The center heading "MISCELLANEOUS" is added directly preceding § 19.200.

10. New § 19.201 is added to read as follows:

§ 19.201 Rule 101; Vacating a decision.

An appellate decision may be vacated by the Board of Veterans Appeals at any time upon request of the appellant or his/her representative or on the Board's own motion.

(a) *Due process.* Where there has been a prejudicial failure to afford the appellant a personal hearing, a statement of the case, or notification of

the right to representation. Where there has been a failure to honor a request for a hearing, and a hearing is subsequently scheduled but the appellant fails to appear, the decision will not be vacated.

(b) *False or fraudulent evidence.* Where it is determined that an allowance of benefits by the Board has been materially influenced by false or fraudulent evidence submitted by or on behalf of the appellant, the prior decision will be vacated only with respect to the issues or issues to which, within the judgment of the Board, the false or fraudulent evidence was material. (38 U.S.C. 4004(a))

Cross Reference. The decision. See Rule 80; § 19.180. When reconsideration is accorded. See Rule 85; § 19.185.

[38 U.S.C. 210(c)(1); Pub. L. 97-377, Sec. 156]

[FR Doc. 85-21674 Filed 9-10-85; 8:45 am]

BILLING CODE 8320-01M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 4E3113/R787; FRL-2894-2]

Pesticide Tolerance for Permethrin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the insecticide permethrin and the sum total of its metabolites in or on the raw agricultural commodity watercress. The regulation, to establish a maximum permissible level for residues of permethrin in or on watercress, was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: Effective on September 11, 1985.

ADDRESS: Written objections, identified by the document control number [PP 4E3113/R787], may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Room 3708, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

By mail: Donald Stubbs, Emergency Response and Minor Use Section (TS-767C), Registration Division, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Office location and telephone number: Room 716B, CM #2, 1921 Jefferson

Davis Highway, Arlington, VA 22202 (703-557-7700).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the *Federal Register* of July 31, 1985 (50 FR 30965), which announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, submitted pesticide petition 4E3113 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR-4 Project and the Agricultural Experiment Station of Florida proposing the establishment of a tolerance for the residues of the insecticide permethrin [(3-phenoxyphenyl)-methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane carboxylate] and its metabolites 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane carboxylic acid (DCVA) and (3-phenoxyphenyl)methanol (3-PBA), calculated as parent, in or on the raw agricultural commodity watercress at 5.0 parts per million.

There were no comments received or requests for referral to an advisory committee in response to the proposed rule.

The data submitted in support of the tolerance were evaluated and previously discussed in a final rule document on permethrin published in the *Federal Register* of October 13, 1982 (47 FR 45008). The pesticide is considered useful for the purpose for which the tolerance is sought.

The Agency has further determined that the tolerance expression for permethrin in 40 CFR 180.378 (b) and (c) should reflect the sum of permethrin and its metabolites, not permethrin and its metabolites calculated as permethrin and is being revised accordingly.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the *Federal Register*, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget

has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: August 23, 1985.

Susan H. Sherman,

Acting Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR Part 180 is amended as follows:

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Section 180.378 is amended by revising the introductory text of paragraphs (b) and (c) and adding and alphabetically inserting the raw agricultural commodity watercress in paragraph (b), to read as follows:

§ 180.378 Permethrin; tolerances for residues.

(b) Tolerances are established for residues of the insecticide permethrin [(3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane carboxylate] and the sum of its metabolites 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane carboxylic acid (DCVA) and (3-phenoxyphenyl)methanol (3-PBA) in or on the following raw agricultural commodities:

Commodities	Parts per million
Watercress	5.0

(c) Tolerances are established for residues of permethrin and the sum total of its metabolites 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane carboxylic acid (DCVA) and (3-phenoxyphenyl)methanol (3-PBA) and 3-phenoxybenzoic acid in or on the following animal commodities.

[FR Doc. 85-21485 Filed 9-10-85; 8:45 am]

BILLING CODE 8560-50-M

**GENERAL SERVICES
ADMINISTRATION**

41 CFR Parts 201-1, 201-2, 201-8, 201-11, 201-16, 201-20, 201-21, 201-23, 201-24, 201-26, 201-30, 201-31, 201-32, 201-38, 201-39, and 201-40

[FIRMR Amdt. 5]

**Extension of the Effective Dates of
FIRMR Amendments 2 and 4
Regarding ADP Performance
Validation Provisions, Competition in
the Acquisition of Information
Resources, and Codification of
Temporary Regulations**

AGENCY: Office of Information
Resources Management, GSA.

ACTION: Final rule; extension of effective date.

SUMMARY: This regulation extends the effective dates of FIRMR Amendments 2 and 4 to October 1, 1985. Delays in the preparation for publication of revised pages for the looseleaf edition of the Federal Information Resources Management Regulation (FIRMR) are the basis for this action. The intended effect is to allow agencies and other users of the FIRMR sufficient time after receipt of the revised pages to implement the changes.

EFFECTIVE DATE: The effective date of Amendments 2 and 4 of the FIRMR is October 1, 1985, but may be observed earlier.

FOR FURTHER INFORMATION CONTACT: Roger W. Walker, Policy Branch (KMPP), Office of Information Resources, telephone (202) 566-0194 or FTS, 566-0194.

SUPPLEMENTARY INFORMATION: 1. Amendment 2—Revision of FIMR ADP Performance Validation Provisions, was published in the Federal Register on June 26, 1985 (50 FR 26364) with an effective date of August 26, 1985, but may be observed earlier. Amendment 4—Implementation of Public Laws 98-369 and 98-577 Regarding Competition in the Acquisition of Information Resources and Codification of Temporary Regulation was published on July 1, 1985 (50 FR 27142; Corrections—50 FR 28208, July 11, 1985) with an effective date of August 30, 1985, but may be observed earlier. Amendment 2 provides changed provisions regarding agency performance validation of ADP equipment systems. Amendment 4 provides for the codification of Temporary Regulation 11 provisions modified as the result of agency and other interested party comments. Temporary Regulation 11 provided for the implementation of Public Laws 98-369 and 98-577 regarding competition.

Other changes in Amendment 4 codified a number of other temporary regulations without change in policies or procedures.

2. The FIRMR is promulgated in the Federal Register and subsequently republished in integrated text form in a looseleaf edition. The looseleaf edition is distributed directly to the users in the form of revised pages which are integrated by the user into his or her desk copy. Because of mechanical problems in the Government Printing Office with the FIRMR data base revision to reflect the amendments changes, printing and distribution of these revised pages has been delayed. Corrective actions have been accomplished. It is important that users have available the changed provisions they are required to implement. Therefore, the effective dates have been revised as indicated. The extension of the effective dates will not significantly impact contractors or offerors or will not have a significant effect beyond agency internal operating procedures.

3. The General Services Administration has determined that this rule is not a major rule for purposes of Executive Order 12291 of February 17, 1981. GSA decisions are based on adequate information concerning the need for, and the consequences of the rule. The rule is written to ensure maximum benefits to Federal agencies. This is a Governmentwide management regulation that will have little or no net cost effect on society.

List of Subjects in 41 CFR Ch. 201

Government information resources activities, Government procurement.

Dated: September 5, 1985.

Paul Trause,

Acting Administrator of General Services.
[FR Doc. 85-21636 Filed 9-10-85; 8:45 am]

BILLING CODE 6820-25-M

DEPARTMENT OF TRANSPORTATION

**National Highway Traffic Safety
Administration**

49 CFR Part 571

[Docket No. 82-04; Notice 2]

**Federal Motor Vehicle Safety
Standards; Lamps, Reflective Devices,
and Associated Equipment**

AGENCY: National Highway Traffic
Safety Administration (NHTSA),
Department of Transportation.

ACTION: Final rule.

SUMMARY: This notice amends Safety Standard No. 108 to provide an alternate location for front identification lamps on

multipurpose passenger vehicles, trucks and buses whose overall width exceeds 80 inches. The rule allows them to be mounted on the top of the cab instead of "as close as practicable to the top of the vehicle." This action completes rulemaking on a petition by the Truck Body and Equipment Association.

EFFECTIVE DATE: October 11, 1985.

ADDRESS: Petitions for reconsideration of the rule should refer to the docket number and notice number of this notice and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Kevin Cavey, Office of Rulemaking, National Highway Traffic Safety Administration, Washington, DC 20590 (202-426-2153).

SUPPLEMENTARY INFORMATION: Paragraph S4.1.1 and Table I of 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, requires trucks, multipurpose passenger vehicles, and buses of 80 or more inches overall width to be equipped with a series of three identification lamps mounted on the front and rear of the vehicle. According to Table II of Standard No. 108, this location must be "as close as practicable to the top of the vehicle." The Truck Body and Equipment Association (TBEA) petitioned for an amendment that would allow front identification lamps to be mounted, as an alternative, on the cab. In TBEA's view, safety would not be reduced since the lamps would still perform their function of identifying the presence of large vehicles in the roadway, and clearance lamps would still mark the height and width of the vehicle. It argued that an analogous precedent was found in paragraph S4.3.1.6 which allows clearance lamps to be mounted on the cab of a truck tractor to indicate overall width of the cab rather than the vehicle. To allow identification lamps also to be mounted on the cab will, in TBEA's opinion, reduce manufacturing costs.

A notice of proposed rulemaking on this subject was published on February 22, 1982, and an opportunity afforded for comment (47 FR 7711).

Nine comments were received on the proposal, six of them directly supporting it. The three remaining comments were directed towards an alleged necessity for a general review of requirements for identification lamps. Motor Vehicle Manufacturers Association and American Trucking Association commented that in their view no safety basis existed for evaluating the proposal. Wisconsin Electric Power

Company suggested that the lamps could be eliminated.

The agency did not consider elimination of the identification lamps, convinced that they are needed on larger vehicles to indicate their presence on narrow or congested roads, curves, and during inclement weather, in order to afford other motorists a cue to vehicle size, assisting them in avoiding accidents.

Those supporting the proposal pointed out that tractor-trailers are required to have identification lamps on the truck tractor cab, but not on the trailer, and therefore the cab is an appropriate location for them. Further, here is a potential for a small cost savings. Many chassis-cab manufacturers install identification lamps on the cab. If the body mounted to it is higher than the cab, the final-stage manufacturer must now add an additional set of identification lamps to meet the requirement that they be located "as close as practicable to the top of the vehicle." Implementation of the proposal will relieve the final-stage manufacturer of the necessity of adding identification lamps when they are already on the chassis-cab. This would serve to reduce costs where this manufacturing practice is being followed.

NHTSA has decided to adopt the proposal. In recognition of the fact that many manufacturers may wish to avail themselves of this option on a regular basis, NHTSA is amending Table II to specify that mounting the identification lamps as close as practicable to the top of the cab is an alternate location rather than one which is only an exception to the general rule that such lamps be mounted as close as practicable to the top of the vehicle.

Potential Benefits, Costs and Other Impacts

The primary benefit attributable to implementation of the rule is the slight reduction in the cost of manufacturing which petitioner believes will occur. Because identification lamps are presently required, there will be no increased manufacturing costs connected with this rule. NHTSA has considered the impacts of this rule and has determined that it is neither major within the meaning of E.O. 12291 nor significant under Department of Transportation guidelines regarding regulatory policy and procedure. The rule will have an impact only on those who voluntarily change their lighting systems from one location to another. The impacts are so minimal that preparation of a regulatory evaluation is not warranted. This rule would not have a significant effect on the human environment since neither the weight

nor quantity of materials used in the manufacture or installation of the lamps is affected. Further, no impact on safety is anticipated. I certify that this rule would not have a significant economic impact on a substantial number of small entities. Manufacturers of motor vehicles and chassis-cabs, those affected by the rule, are generally not small businesses within the meaning of the Regulatory Flexibility Act. Further, those effects would not be significant given the minimal cost reductions associated with the rule.

Finally, small organizations and governmental jurisdictions will not be significantly affected since the price of new vehicles will be minimally impacted.

Because the rule relieves a restriction and imposes no additional burden on any person, it is hereby found for good cause shown that an effective date earlier than 180 days after issuance is in the public interest. The amendment is effective 30 days after its publication in the Federal Register.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

The authority citation for Part 571 continues to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.50.

§ 571.108 [Amended]

In consideration of the foregoing, Table II of 49 CFR 571.108 is amended by revising the entry in the "Multipurpose passenger vehicles, trucks and buses" column for item "Identification lamps" as follows:

TABLE II.—LOCATION OF REQUIRED EQUIPMENT

(Multipurpose passenger vehicles, trucks, trailers, and buses, of 80 or more inches overall width)

Item	Location on—	
	Multipurpose passenger vehicles, trucks, and buses	...
Identification lamps.	On the front and rear—3 lamps, amber in front, red in rear, as close as practicable to the top of the vehicle, at the same height, as close as practicable to the vertical centerline, with lamp centers spaced not less than 6 inches or more than 12 inches apart. Alternatively, the front lamps may be located as close as practicable to the top of the cab.	...

The lawyer and program official principally responsible for this notice are Z. Taylor Vinson and Kevin Cavey, respectively.

Issued on: September 4, 1985.

Diane K. Steed,

Administrator.

[FR Doc. 85-21842 Filed 9-10-85; 8:45 am]

BILLING CODE 4910-55-M

49 CFR Part 571

[Docket No. 74-14; Notice 40]

Federal Motor Vehicle Safety Standards for Occupant Crash Protection; Improvement of Seat Belt Assemblies

Correction

In FR Doc. 85-20159 beginning on page 34152 in the issue of Friday, August 23, 1985, make the following corrections:

1. On page 34153, in the third column, in the fifth and seventh lines from the bottom of the page, the paragraph designation should read "S.7.1.1.3".
2. On page 34154, in the first column, in amendatory instruction "reviewed" should read "revised".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Final Migratory Bird Hunting Regulations on Certain Federal Indian Reservations, Indian Territory, and Ceded Lands

Correction

In FR Doc. 85-20726 beginning on page 35762 in the issue of Tuesday, September 3, 1985, make the following corrections:

1. On page 35762, in the first column, the heading should read as set forth above.

§ 20.110 [Corrected]

2. On page 35764, in the first column, in the second line of the first paragraph of § 20.110, insert "special" before "annual".

3. On the same page, in the second column in § 20.110(a)(2)(i), the fourth and fifth lines should read:

Bag and Possession Limits: Daily bag limit 3. Possession limit 6. No season limit.

4. On the same page, in the same column, in § 20.110(a)(3), the paragraph designated "(iii)" should be designated "(iv)".

BILLING CODE 1505-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 675

[Docket No. 41046-4171]

Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of closure.

SUMMARY: The Director, Alaska Region, NMFS (Regional Director), has determined that the total allowable catch (TAC) amount of sablefish in the Bering Sea subarea of the Bering Sea and Aleutian Islands management area will be achieved on September 4, 1985. He therefore closes all fishing by foreign and U.S. vessels in waters deeper than 200 fathoms (365 meters) in the subarea and declares that [because the TAC has been achieved.] sablefish [is] a prohibited species in the remainder of the subarea. This action is required by regulations governing the groundfish fishery of the Bering Sea and Aleutian Islands area.

DATES: This notice is effective from noon Alaska Daylight Time, September 4, 1985, until midnight Alaska Standard Time, December 31, 1985.

FOR FURTHER INFORMATION CONTACT: Janet E. Smoker (Resource Management Specialist, NMFS), 907-586-7230.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) governs the groundfish fishery in the fishery conservation zone under the Magnuson Fishery Conservation and Management Act. Implementing rules at 50 CFR 675.20(a) provide for the total

allowable catch (TAC) of each target species and the "other species" category to be apportioned among three components of the fishery: domestic annual processing (DAP), joint venture processing (JVP), and total allowable level of foreign fishing (TALFF). Under § 675.20(a)(7), when the combined catch by foreign and U.S. vessels in the fishery in a management area or applicable subarea reaches the amount of a target species or the "other species" category that is apportioned to the fishery, further fishing by U.S. vessels that involves the taking of that species is prohibited in the management area or applicable subarea for the remainder of the fishing year. Under § 611.93(b)(3)(ii)(A), if the amount of sablefish, turbot, or Pacific cod apportioned to the fishery will be reached, the Secretary will prohibit all foreign harvesting in all or part of the management area until January 1 of the following year.

The TAC for sablefish in the Bering Sea subarea is 2,625 metric tons (mt), of which the DAP is 2,275 mt, JVP 100 mt, and TALFF 250 mt. A directed DAP fishery for sablefish has produced a known landed catch as of August 27, 1985, of 1,703 mt. The JVP catch through August 17, 1985, was 22.9 mt and the foreign catch through August 10, 1985, was 49.2 mt. Based on these known catches and estimates of sablefish caught since the latest report dates, it is projected that the TAC of 2,625 mt will be reached at noon on September 4, 1985.

Historical catch and observer data indicate that sablefish are caught almost exclusively at depths greater than 200 fathoms. Fisheries, both foreign and domestic, for pollock, Pacific cod, yellowfin sole, and other species occur mainly in depths of less than 200 fathoms, where sablefish are not found or are taken in statistically insignificant amounts. Fisheries for some species such as turbot, do operate at depths greater than 200 fathoms and may harvest significant incidental amounts of sablefish.

The Regional Director finds, therefore, that all fishing in the Bering Sea subarea

(Areas I, II, and III, north of the Aleutian chain east of 170° W. longitude and north of 55° N. latitude west of 170° W. longitude, see figure 2 of § 611.9) in waters deeper than 200 fathoms involves the taking of sablefish and must be prohibited under the regulations cited above. He further finds that those fisheries operating in depths less than 200 fathoms do not involve the taking of sablefish. Because the sablefish TAC has been achieved, vessels continuing to fish for other species, in waters less than 200 fathoms deep must treat sablefish as a prohibited species; i.e., they must be avoided and cannot be retained.

In accordance with §§ 675.20(a)(7) and 611.93(b)(3)(ii)(A), the Secretary issues this notice of closure prohibiting further fishing in waters more than 200 fathoms (365 meters) deep in the Bering Sea subarea by both U.S. and foreign fishing vessels from noon Alaska Daylight Time (2100 GMT), September 4, 1985, until midnight Alaska Standard Time, December 31, 1985. In the remainder of the Bering Sea subarea, sablefish are to be treated as a prohibited species in accordance with §§ 675.20(c) and 611.13.

Classification

This action is required by 50 CFR Part 675 and § 611.93 and complies with Executive Order 12291.

List of Subjects

50 CFR Part 611

Fisheries, Foreign relations, Reporting and recordkeeping requirements.

50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 5, 1985.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 85-21685 Filed 9-6-85; 2:24 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 50, No. 176

Wednesday, September 11, 1985

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 309

[Docket No. 84-023]

Biological Residues; Rescission of Obsolete Regulatory Provision Concerning Cattle Which Had Been Treated With DES

Correction

In FR Doc. 85-21136, beginning on page 36094, in the issue of Thursday, September 5, 1985, make the following correction:

On page 36095, at the bottom of the second column, in amendatory instruction 3, "§ 209.16(c)" should read "§ 309.16(c)".

BILLING CODE 1505-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Credit Union Service Organizations

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: The NCUA Board requests public comment on a proposed regulation concerning Federal credit union (FCU) involvement with credit union service organizations (CUSO's). Broadly defined, CUSO's are organizations that are established by or funded by one or more FCU's (with or without the participation of other parties) and that exist to provide services primarily to credit unions and credit union members. The Federal Credit Union Act (12 U.S.C. 1751, et seq.) authorizes FCU involvement with CUSO's, subject to various limitations. This proposed regulation is designed to implement the statutory authority, to eliminate the inconsistencies and ambiguities of the present regulation,

and to provide maximum flexibility to FCU's while addressing basic safety and soundness concerns. Major changes from the present regulation include: (1) A restatement and clarification of the statutory limitations; (2) provision of guidance concerning the appropriate organizational structure for CUSO's; (3) an expansion of the permissible services and activities for CUSO's, along with a clarified process for approval of additional activities; (4) express prohibitions against conflict of interest and insider dealing; and (5) provisions to enable FCU's and NCUA to effectively monitor the financial condition of CUSO's.

DATE: Comments must be received on or before November 8, 1985.

ADDRESS: Send comments to Rosemary Brady, Secretary, National Credit Union Administration Board, 1776 G Street, NW., Washington, D.C. 20456. Telephone: (202) 357-1100.

FOR FURTHER INFORMATION CONTACT: Robert Fenner, Acting General Counsel, or Hattie Ulan, Staff Attorney, Department of Legal Services, at the above address or telephone: (202) 357-1030.

SUPPLEMENTARY INFORMATION:

Background

A credit union service organization (CUSO) is an organization that is established or funded by one or more credit unions, in some cases with other investors, for the purpose of providing any of various operational and financial services to credit unions or credit union members. Pursuant to the Federal Credit Union (FCU) Act, FCU's may make both loans to and investments in CUSO's. The lending authority (section 107(5)(D) of the FCU Act, 12 U.S.C. 1757(5)(D)) and the investment authority (section 107(7)(I), 12 U.S.C. 1757(7)(I)) each allow for up to one percent of the FCU's paid-in and unimpaired capital and surplus to be placed in CUSO's (for a total possible commitment of 2%).

The only statutory "definition" of a CUSO exists in the form of certain statutory limitations. The lending authority limits FCU's to making loans to organizations "... established primarily to serve the needs of member credit unions, and whose business relates to the daily operations of the credit unions they serve." The investment authority limits FCU investments to organizations "...

providing services associated with the routine operations of credit unions." NCUA has previously stated that these two sections of the FCU Act refer to the same type of entity, and public comment concerning NCUA's CUSO rulemaking activities has supported that position.

The CUSO provisions were added to the FCU Act in 1977. Both sections of the statute require NCUA Board approval of CUSO operations. The Board has chosen to meet this requirement through general regulations rather than a separate review and approval process for each CUSO. NCUA promulgated its first CUSO regulation in 1979. The regulation placed many controls and restrictions on FCU involvement with CUSO's. Among other things, the regulation limited the structure of a CUSO to the corporate form, CUSO's were permitted to offer only a very limited number of specified services, and an application and approval process for the establishment of CUSO's was set out in the regulation. In 1982, NCUA substantially deregulated the CUSO rule. The limitations on structure and the approval process were both removed, and the list of permitted CUSO activities was replaced with authorized categories of activities.

In January of 1985, NCUA determined that a reevaluation of the CUSO rule was in order. The major reasons for the reevaluation were: (1) The ambiguity and lack of guidance provided by the existing regulation concerning key issues of interpretation of the statute; and (2) the existence of significant supervisory problems in a limited number of CUSO's, presenting risks to participating credit unions and the National Credit Union Share Insurance Fund (NCUSIF). Accordingly, at its January, 1985, meeting, the NCUA Board approved a Notice of Proposed Rulemaking on the CUSO regulation. (Section 701.27 of NCUA's Rules and Regulations, 12 CFR 701.27; See 50 FR 4698, February 1, 1985.)

The Notice of Proposed Rulemaking did not set out regulatory language but requested comment on five specific CUSO issues, as well as any other issues of concern to the public with respect to CUSO's. The issues were: (1) Should NCUA provide regulatory guidance concerning the capitalization and organizational structure of CUSO's in order to minimize the risk of loss to participating credit unions and the

NCUSIF? (2) should NCUA either deregulate the permissible services and activities of CUSOs, or, on the other hand, provide more specific guidance on permissible services and activities? (3) do legal considerations require some limits on the permissible customer base of CUSOs? (4) should NCUA prohibit or otherwise regulate "insider dealing" in CUSOs? and (5) should NCUA affirmatively assert examination authority over CUSOs?

Sixty-one commenters responded to the Notice of Proposed Rulemaking. The commenters included 38 FCUs, 6 state-chartered credit unions, 5 CUSOs, 5 state leagues (including one league service center), 2 credit union trade associations, 1 bank trade association, the National Cooperative Bank, 1 state banking department, and 2 individuals.

In light of the importance of the regulation and upon the recommendation of many of the commenters to the January Notice of Proposed Rulemaking, the NCUA Board determined that the next step in the regulatory process should be a proposed rule containing specific regulatory language.

The proposed regulation contains ten subsections. The first four subsections set forth the scope and parameters of the regulation and clarify the investment and loan limitations of the FCU Act. The next five sections address the five substantive issues that were discussed in the January Notice of Proposed Rulemaking, as well as certain additional issues. The last section sets forth a proposed policy with respect to any existing CUSO operations that are inconsistent with the proposed regulation—a one year "phase-in" period would be provided for CUSOs to come into compliance with the regulation if it is made final. The NCUA Board requests comment on all of the issues raised in the proposed regulation.

A section-by-section analysis of the proposed rule follows. Comments received on the January Notice of Proposed Rulemaking are addressed in the analysis.

Section-By-Section Analysis

Proposed § 701.27(a)—Scope

This section states the scope of the regulation. The regulation implements the authority in the FCU Act (sections 107(7)(I) and 107(5)(D)) for FCUs to invest in and make loans to CUSOs. The existing rule does not contain a similar section. The section is added to provide the reader, at the outset, with a simple statement of the purpose of the regulation and a reference to the statutory provisions.

Proposed § 701.27(b)—Investment and Loan Limits

This section explains the monetary (investment and lending) limits on FCU involvement with CUSOs. Section 107(5)(D) allows an FCU to loan up to 1%, in the aggregate, of its paid-in and unimpaired capital and surplus to CUSOs. Section 107(7)(I) allows an FCU to invest a like amount in CUSOs. Section (e) of the current regulation contains a reference to these statutory limits. The information is moved forward in order to improve the organization of the regulation. Also, a definition of paid-in and unimpaired capital and surplus—shares and undivided earnings—is set forth in the proposed regulation and is derived from Article XVIII, Sections (g) and (h) of the Standard Federal Credit Union Bylaws.

Proposed § 701.27(c)—General Limitation on Purpose of Credit Union Service Organizations

This section addresses the general nonmonetary limits of the statute. There are two major limitations. First, a CUSO must provide services associated with the routine operations of credit unions (see Section 107(7)(I)). Second, a CUSO must exist primarily to meet the needs of its member credit unions (see Section 107(5)(D)).

This Section, as well as the two which precede it, set the stage for the remainder of the regulation, which is designed primarily to accomplish two purposes: (1) To fulfill the Board's responsibility to give meaning and effect to the statutory provisions, and (2) to establish prudential standards ensuring that FCUs that choose to become involved in CUSOs will do so in a safe and sound manner.

Proposed § 701.27(d)—Limited Applicability of Regulation

This section, which is new, is added to clarify that *not all* organizations which provide services to credit unions are subject to CUSO regulation. Only those organizations that a FCU has invested in or made a loan to pursuant to section 107(7)(I) or 107(5)(D) are covered. Organizations that provide services to credit unions for a fee or any other basis, but have not received loans or investments for FCUs are not subject to the regulation, even though they might be called CUSOs or provide services of the type authorized by this regulation. This section makes no substantive change; its purpose is to eliminate any confusion as to applicability of the regulation.

Proposed § 701.27(e)—Structure

The present regulation is silent concerning the appropriate organizational structure for CUSOs. As a result, CUSOs may now be legally structured as proprietorships, partnerships (which FCUs as general or limited partners), joint ventures, or corporations. These different organizational forms provide participating credit union with varying degrees of protection from liability for obligations of the CUSO. Investment in a CUSO as a corporate shareholder or limited partner should, if carried out properly, protect the FCU by limiting its potential liability to the amount of its investment. Other forms of organization may, however, expose FCUs to unlimited contract and tort liability, raising safety and soundness concerns both for individual FCUs and the NCUSIF. Further, although the FCU Act does not contain limits on the organizational form of CUSOs, it does, as discussed above, limit the amount of an FCU's investments in and loans to CUSOs. If an FCU were exposed to unlimited liability through investments in CUSOs, the statutory limits would have little meaning. For these reasons, in the January Notice of Proposed Rulemaking, the Board requested comment on whether investments in CUSOs should be limited to those structures that effectively minimize the risk of liability to participating FCUs.

The vast majority of commenters were in favor of a limitation on CUSO structure, citing the reasons stated above. Accordingly, the proposed rule requires that CUSOs be organized either as corporations, or as limited partnerships with FCUs participating only as limited partners. Also, the proposed rule clarifies that CUSOs may be established or funded by a single FCU, by more than one FCU, or by an FCU(s) with other parties. An organization formed without FCU involvement would become subject to the regulation if an FCU subsequently makes a loan to or invests in the organization.

Limiting CUSOs to the corporate and limited partnership forms will not provide an absolute guarantee against liability on the part of participating FCUs. Case law establishes that courts will "pierce the corporate veil" and hold one corporate entity liable for the debts of another if equity dictates such a result. The courts have also treated limited partners as general partners (unlimited liability) under certain circumstances. In its January Notice, the Board requested comment on whether it

should provide any further guidance, by regulation or otherwise, on this issue.

The commenters agreed that there is a need for FCU's to consider the issue, and to organize and operate CUSO's in a manner that minimizes the risk of losing the protection of limited liability. Most commenters suggested that the regulation not set out specific requirements, but that some type of general guidance be given.

The Board agrees that specific requirements should not be set out in the regulation, since this is an area that may differ according to the common law of the various jurisdictions and the needs of different types of CUSO's. FCU's should be advised, however, of the factors that may lead to increased liability. The courts have looked to the following factors (list is exemplary only) in piercing the corporate veil: inadequate capitalization; lack of separate corporate identity (e.g., same office space, similar corporate names); common board of directors and employees; control of one corporation over another; and lack of separate books and records. The primary consideration in partnership cases is participation in the control of the business. If limited partners assume active control, they may lose their limited liability.

The proposed regulation contains general guidelines concerning avoidance of unlimited liability, and requires that FCU's participating in CUSO's obtain legal advice on this subject in order to ensure compliance with any laws peculiar to their jurisdiction.

Another issue raised in the proposal was whether there is a need for a distinction in the treatment of FCU investments in CUSO's and loans to CUSO's. The issue was raised because the risk of a court piercing the corporate veil and imposing additional liability generally applies only to investors (stockholders or owners). A lender is at risk for no more than the amount of its loan to the CUSO. Therefore, any regulatory limits on capital and structure need not apply to FCU loans to CUSO's. Most commenters noted, however, that formation and capitalization of a CUSO will normally require investments by some credit unions and thus a distinction between investments and loans would serve little or no purpose. The Board agrees and has made no such distinction in the proposed regulation.

Proposed Section 701.27(f)—Customer Base

CUSO customer base, that is, whom a CUSO may serve, is in effect limited by section 107(5)(D) of the FCU Act. This Section requires that a CUSO be "established primarily to serve the

needs of its member credit unions. . . ." NCUA has interpreted this to include services both to member credit unions and to the individual members of the credit unions. Thus by statute, a CUSO must serve *primarily* its participating (investing and lending) credit unions and their members—service to other organizations and individuals could be permitted as long as this test were met.

The present regulation is silent on this subject, and practice has, as a result, varied from CUSO to CUSO—some have openly served the general public. This seems difficult to reconcile with the "primarily" requirement of the statute and with the limited membership requirements of credit unions in general.

The January Notice of Proposed Rulemaking requested comment on whether the regulation should provide clarification with respect to the appropriate customer base for CUSO's. The proposal set out three possible options: (1) Credit unions, other participating institutions and their members or customers; (2) credit union members generally, irrespective of credit union affiliation with the CUSO; and (3) incidental services to the public as long as the primary purpose is to serve credit unions, other participating institutions and their members or customers. The customer-base issue did not generate a lot of comment. For the most part, commenters only stated their preferred option. At least six commenters believed that a CUSO should be able to serve the general public, without limitation.

The proposed regulation simply incorporates the statutory limitation by requiring that CUSO's serve "primarily" affiliated credit unions and their members (§ 701.27(f)). This should help to remove the confusion under the present regulation concerning customer base. The Board considered defining the term "primarily" as a certain percentage of business or percentage of customers served, but concluded that such a test would be arbitrary. The wording of § 701.27(f) provides notice of the statutory requirement and will enable NCUA to deal with any clear abuses.

Proposed § 701.27(g)—Services and Activities

The present regulation sets forth four general categories of activities that a CUSO may perform. For two of the categories—credit union operational functions and family financial services—the regulation includes a nonexclusive list of examples of activities. Also, services not within one of the four categories may be permitted as determined by the NCUA Board. (See § 701.27(b)(1)–(5) of NCUA Regulations.)

To date, the NCUA Board has not ruled on any such services.

The present rule does not specify what process is followed for CUSO activities that may fall within one of the four general categories, but that are not specifically listed in the regulation. Some FCU's have sought NCUA staff approval for CUSO activities while others have obtained advice from private counsel or relied on their own interpretation of the regulation. This has resulted in inconsistencies in current CUSO operations. Also, in recent months there has been an increase in the number of questions received by NCUA concerning the permissible scope of CUSO activities. Examples include discount brokerage, real estate agencies, travel agencies, marketing of consumer goods, and participation in sale-and-leaseback arrangements. NCUA is concerned that this may lead to a new layer of regulation under the guise of staff interpretation.

The Notice of Proposed Rulemaking indicated that NCUA would like to eliminate inconsistencies and at the same time avoid a cumbersome review and approval process of permissible CUSO activities. The Notice suggested one course would be elimination of any listing of permissible CUSO activities, with each FCU or group of FCU's determining for themselves what activities their CUSO would perform. Under this approach, which was referred to as the self-determination approach in the proposal, FCU's would be required to determine that any CUSO activities are related to the FCU's "daily operations" and "associated with their routine operations"—the relevant limitations of section 107(5)(D) and 107(7)(I). Under this approach, permissible CUSO activities could vary, depending on the routine operations of the FCU's participating in the CUSO. Also, NCUA would retain the authority, on a case-by-case basis, in connection with the performance of its examination and supervision functions, to question whether the activities of a particular CUSO were consistent with the statutory limitations. The NCUA Board requested comment on whether the self-determination approach was workable and how the statutory guidelines should be incorporated into the regulation. For those who believed the approach would be unacceptable, the Board requested comments on why and specific recommendations as to alternative approaches.

Commenters' reactions to the "self-determination" suggestion were mixed. At least eight commenters in favor of self-determination said that this area

should be totally deregulated—CUSO's should be able to perform any activity that their member credit unions desire. These commenters argued further that NCUA should waive any right to a review of CUSO activities. This would seem to have the effect of a regulatory repeal of the statutory limitations on CUSO's, however, and thus is not considered feasible.

Several other commenters stated that deregulation of activities could work, especially if adequate safeguards were placed on CUSO structure. Most of these commenters agreed that NCUA should maintain some type of control over FCU involvement with CUSO activities, including NCUA's right to review CUSO activities after the fact.

Many commenters, including the two national credit union trade associations, were opposed to the "self-determination" approach as described in the proposal. NCUA review after the fact was criticized as being unfair to FCU's once they had invested time and resources in their CUSO's. The concept was also criticized in that different FCU's would be treated differently with respect to the type of CUSO activities in which they could become involved. Most of the commenters who did not favor self-determination suggested that a comprehensive list of permissible CUSO activities appear in the CUSO regulation, and that NCUA establish a specific approval process for those activities not on the list.

It was also suggested that the legislative history of the CUSO authority can be viewed as requiring this. House Report 95-23, in commenting on the CUSO provision enacted by Public Law 95-22, states: "Each 'leeway' investment is subject to the approval of the [NCUA Board] or [its] delegate, unless and until the issuance of rules and regulations provides a list of approved organizations or classes of organizations."

In light of the comments and the problems with self-determination, the NCUA Board has decided that an expanded, comprehensive list, with a more specific approval process for unlisted activities, is the best method of addressing CUSO service and activities. Permissible activities are categorized in two groups in the proposal: operational services (services provided to, or on behalf of, participating credit unions) and financial services (services provided, as appropriate, to either participating credit unions or their members). These categories are set forth at § 701.27(g)(1) and (2) of the proposed regulation. The services and activities from the current regulations are included. Discount brokerage service,

which has previously been "approved" by interpretation of NCUA staff, is added to the list. In addition, certain other services which the NCUA determined to be "grey area" activities, including provision of vehicle warranty programs and real estate agency services have been added to the list. These "grey area" activities are those that do not clearly fall within one of the four general categories of activities of the current regulations. Comment is requested on all listed activities and on whether any additional services or activities should be added to the list.

The activities of sale-and-leaseback with affiliated credit unions and participation in purchase, sale and leasing of real property with affiliated credit unions were considered for inclusion in the list of permissible activities. The Board has determined that, although these two activities may, under certain circumstances, be acceptable for CUSO's to enter into with affiliated FCU's, they do not belong on a list of *ongoing* CUSO services or activities. Such real property transactions can be considered a matter of general business operation. In this connection, section 107(4) of the FCU Act (12 U.S.C. 1757(4)) authorizes an FCU to "purchase, hold and dispose of property necessary or incidental to its operations." FCU's should be advised, however, that, when engaging in a sale-and-leaseback or other real property transactions with a CUSO, they must (1) Follow generally accepted accounting principles (see discussion under § 701.27(i) below), (2) comply with NCUA's fixed asset regulation (see § 701.36 of NCUA regulations), and (3) comply with NCUA Interpretive Ruling and Policy Statement 81-7 concerning sale-and-leaseback arrangements.

It should also be noted that CUSO's will be subject to various state laws when they provide certain services and activities (e.g., insurance agency, real estate agency, and trust services). NCUA's regulation of FCU involvement with CUSO's is not intended to preempt any requirements that the state may impose on a CUSO providing any of the listed activities. Section 701.27(g)(3) of the proposal clarifies this point.

Section 701.27(g)(4) of the proposal provides that any services or activities not listed in (g)(1) or (2) must be submitted to NCUA for approval. Most of the commenters who addressed the issue of NCU approval of unlisted activities suggested that the most equitable method of handling a new approval is to make it available to all CUSO's, i.e., to add it to the list. The Board agrees. Normally, the first step in this process, required by section 553 of

the Federal Administrative Procedure Act (5 U.S.C. 553), will be to publish the new activity for notice and comment. Section 701.27(g)(4) reflects a commitment to take this or other appropriate action on any proposed new activity within 60 days after receipt by NCUA.

Section 701.27(g)(5) of the proposal restates restrictions contained in section 107(7)(I) of the Act against use of the CUSO authority by a FCU to gain control of another financial institution or to invest in an insurance company, trade association, liquidity facility, or similar organization. Although there is no provision similar to this one in the current regulation, the provision makes no substantive change. It merely sets forth the restrictions of section 107(7)(I) in order to help avoid any oversight by FCU's and CUSO's.

Proposed § 701.27(h)—Insider Dealing

The present regulation does not address insider dealing between FCU's and CUSO's, although the preamble to the final rule contained a discussion of the issue. The preamble stated that FCU officials and employees could receive compensation for services rendered to the CUSO, but compensation that was tied to the volume of CUSO business generated by the official's or employee's credit union may be viewed as a misappropriation of the credit unions' corporate opportunity (see 47 FR 30463, July 14, 1982).

As stated in the January Notice, there are at least two reasons for questioning whether express regulatory guidance in this area may now be appropriate. First, the decision not to regulate was based at least in part on the notion that isolated problems could be addressed by NCUA as "unsafe and unsound practices" using the Agency's statutory enforcement powers. Recent court decisions, however, have restricted other financial regulators from using this approach by holding that a practice is unsafe and unsound only if it actually threatens the financial viability of the institution (see, *Gulf Federal Savings and Loan Association v. FHLBB*, 651 F.2d 259 (5th Cir. 1981)). It is for this reason that express regulatory restrictions on insider dealing were recently added to NCUA's lending and investment regulations. Second, NCUA has encountered a limited number of cases where insider dealings in CUSO's have caused substantial losses in the CUSO, contributing to severe supervisory problems or even insolvency of the FCU. A common theme in these cases is that one or more management officials of the credit union bring about the formation of

a CUSO in the interest of their personal financial gain rather than in the interest of providing economical services to the credit union and its members.

Comment was requested on how the problem of insider dealing should be handled, given NCUA's concerns. A clear majority of the commenters favored an express prohibition against insider dealing. The primary reason given for such a prohibition was that CUSO's should not exist as a means of personal gain for FCU officials. One commenter suggested that compensation to a CUSO official who is also an FCU director may be used as a circumvention of the prohibition against compensation to directors in the FCU Act. (See section 111(c) of FCU Act, 12 U.S.C. 1761(c).) Several commenters suggested that a total restriction against insider dealing was not warranted. They suggested that incentive programs and bonus plans as well as salaries should be available to all of those working for the CUSO. These commenters did suggest that full disclosure be made to the credit union and that gifts and kickbacks to FCU officials should be prohibited.

NCUA believes that a broad prohibition against insider dealing may best serve the interest of FCU's and ultimately of the NCUSIF. Therefore proposed § 701.27(h) prohibits any FCU official or employee or any of their immediate families from receiving any type of payment of compensation from an affiliated CUSO. The limited exceptions to this rule which may be appropriate, e.g., where an FCU employee spends part of his or her time working for the CUSO, can be handled by having the CUSO reimburse the FCU directly. Nonetheless, if commenters believe that there should be additional exceptions to this prohibition, the Board welcomes such comment along with an explanation of both who the exception is warranted and how it would not present a conflict of interest for the official or employee.

Proposed § 701.27(i)—Accounting Procedures; Access to Information

In its January Notice, the Board requested comment on whether the regulation should require that FCU's follow generally accepted accounting principles (GAAP) in their involvement with CUSO's. There is no similar requirement under the current CUSO regulation, but § 702.3 NCUA's Regulations (12 CFR § 702.3) requires full and fair disclosure by FCU's in general with respect to their accounting practices and books and records. Full and fair disclosure is met by following either the accounting methods set forth in the *Accounting Manual for Federal*

Credit Unions on other methods consistent with GAAP. There has been concern, on the part of both NCUA staff and the independent auditors of the NCUSIF, that FCU's have in some cases not adhered to GAAP in recording their CUSO arrangements. NCUA Regional staff, through internal comments, has reported several CUSO's that have not maintained current financial statements or other adequate business records.

Most of the commenters agreed that FCU involvement with CUSO's should be explicitly subject to GAAP. Even those commenters who did not favor a limitation on CUSO structure were in favor of the application of GAAP to FCU involvement with CUSO's and to a CUSO's own bookkeeping.

In light of these concerns, the proposed rule would require (1) That FCU's follow GAAP in their dealings with CUSO's; (2) that FCU's obtain an annual CPA audit and quarterly financial statements from their CUSO's; and (3) that CUSO's agree in writing with participating FCU's to follow GAAP. These requirements should not impose additional burdens on FCU's and CUSO's that are already following sound business and accounting practices.

It should be noted that GAAP requires that entities (FCU's) that control a fifty percent or greater financial interest in another company (e.g. a CUSO) must file consolidated financial statements with their subsidiary. For FCU's that do not control more than a fifty percent interest but have sufficient control to influence the operation or financial decisions of a CUSO, the equity method of accounting is recommended. In both cases (consolidated financial statements and the equity method), intercompany transactions should be eliminated. This should satisfy the concern of NCUA and others that FCU's and CUSO's provide an accurate statement of their financial position.

In its January Notice, comment was requested on whether NCUA should reserve both express examination authority over CUSO's and the right to assess a fee for any such examination. Although many commenters favored examination and fee authority, others objected that it would represent an unnecessary intrusion by NCUA into the affairs of an organization not directly regulated by NCUA. The proposal represents a compromise position: CUSO's would be required to agree to make their books and records available for NCUA inspection, but the authority of NCUA to impose a fee for such inspection would be dropped. As noted in the January Notice, NCUA does not

have the time or resources, or the need, to conduct regular examinations of CUSO's. The Board's concern is with individual cases that may threaten the safety and soundness of FCU's and the NCUSIF.

Proposed § 701.27(j)—Preexisting Credit Union Service Organizations

The Board recognizes that some existing CUSO operations may be inconsistent with the proposed new rule, if and when it is made final. For example, based on the proposal, an existing CUSO structured as a general partnership and employing a director or employee of an affiliated FCU as its manager is structured legally and is legally compensating its manager. Both of these aspects of the CUSO's operations are inconsistent, however, with the proposed new rule. Section (g) of the proposal would address this by allowing a one year "phase-in" period, i.e., within one year after the effective date of the new rule either the CUSO's operation would have to come into compliance with the new rule or all participating FCU's would have to divest their interests in the CUSO.

Regulatory Procedures

The NCUA Board has determined and certifies that the proposed amendments, if adopted, will not have a significant economic impact on a substantial number of small credit unions (primarily those under \$1 million dollars in assets). According to information available to the NCUA, less than 300 FCU's are involved in credit union service organizations. Further, this proposed rule is largely a clarification and edification of the current rule. Accordingly, the Board has determined that a Regulatory Flexibility Analysis is not required.

Paperwork Reduction Act

The only collection of information requirements in the proposed rule are that a credit union service organization "agree in writing" with its affiliated FCU to follow GAAP and allow NCUA access to its books and records. The requirements are found in § 701.27(i)(3) and (4). These collection of information requirements will be submitted to the Office of Management and Budget for review under the Paperwork Reduction Act. Written comments and recommendations regarding the information collection requirements of this proposed rule should be forwarded directly to the OMB Desk Officer indicated below at the following address: OMB Reports Management Branch, New Executive Office Building.

Room 3208, Washington, D.C. 20503.
Attn: Robert Neal.

List of Subjects in 12 CFR Part 701

Credit unions, Credit union service organizations.

By the National Credit Union Administration Board on September 5, 1985.
Rosemary Brady,
Secretary of the Board.

Accordingly, NCUA proposes to amend its regulations as follows:

PART 701—[AMENDED]

1. The authority citation for Part 701 continues to read as follows:

Authority: 12 U.S.C. 1757, 12 U.S.C. 1766, 12 U.S.C. 1789.

2. It is proposed that § 701.27 be revised to read as follows:

§ 701.27 Credit union service organizations

(a) *Scope.* This regulation implements sections 107(7)(I) and 107(5)(D) of the Federal Credit Union Act (12 U.S.C. 1757(7)(I) and 1757(5)(D)), which authorize Federal credit unions to invest in and make loans to credit union service organizations.

(b) *Investment and loan limits.* Section 107(7)(I) of the Act authorizes a Federal credit union to invest in credit union service organizations in amounts not exceeding, in the aggregate, 1% of the credit union's paid-in and unimpaired capital and surplus (shares and undivided earnings); section 107(5)(D) authorizes a Federal credit union to make loans to such organizations in additional amounts not exceeding, in the aggregate, 1% of its paid-in and unimpaired capital and surplus.

(c) *General limitations on purpose of Credit Union Service Organizations.* Sections 107(7)(I) and 107(5)(D) impose certain general limitations on credit union service organization operations. Included are the requirements of section 107(7)(I), that a credit union service organization provide services associated with the routine operations of credit unions, and section 107(7)(D), that a credit union service organization exist primarily to meet the needs of its member credit unions. This regulation implements the statutory provisions by addressing various issues, including the structure of credit union service organizations, their customer base, and the range of services and activities that they may provide. The regulation also establishes basic prudential standards for Federal credit union involvement with credit union service organizations, through provisions concerning insider

dealing, accounting practices and NCUA access to books and records.

(d) *Limited applicability of regulation.* This regulation applies only in cases where one or more Federal credit unions have invested in or made loans to an organization pursuant to section 107(7)(I) or 107(5)(D). Any other organization is not subject to this regulation, regardless of its name or purpose.

(e) *Funding and structure.* A credit union service organization may receive investments or loans from a single Federal credit union, more than one credit union, or a credit union or credit unions along with other parties. A credit union service organization must be structured as either a corporation or a limited partnership. Federal credit unions may only participate as limited partners in a credit union service organization structured as a limited partnership. These structural requirements are designed to limit a Federal credit union's potential liability to the amount of its investment in and loans to the credit union service organization. Structure alone, however, will not completely protect the credit union. A credit union service organization established in the corporate form must be adequately capitalized and operated as a separate entity. In the case of a limited partnership, the Federal credit union limited partners must not engage in activities (e.g., control, management, decisionmaking) that would cause the limited partnership to be treated as a general partnership. Federal credit unions must obtain legal advice as to whether credit union service organizations are operated in a manner that meets the goal of limited liability.

(f) *Customer base.* Credit union service organizations must primarily serve affiliated credit unions (those which have either invested in or made loans to the credit union service organization) and the membership of such credit unions.

(g) *Permissible services and activities.*—(1) *Operational services.* A credit union service organization may perform any of the following operational services and activities: credit card and debit card services; ATM services; EFT services; accounting services; data processing; sale or lease of computer hardware and software; management and personnel training and support; payment item processing; locator services; marketing services; debt collection services; credit analysis; loan servicing and coin and currency services.

(2) *Financial services.* A credit union service organization may perform any of

the following financial services and activities: financial planning and counselling; retirement counselling; investment counselling; discount brokerage services; estate planning; income tax preparation, developing and administering IRA, Keogh, deferred compensation, and other personnel benefit plans; trust services; acting as trustee, guardian, conservator, estate administrator, or in any other fiduciary capacity; real estate agency services; agent for sale of insurance; personal property leasing; and provision of vehicle warranty programs.

(3) *State and local law.* A credit union service organization must comply with applicable state and local laws when engaging in activities listed in paragraphs (g) (1) or (2) of this section.

(4) *NCUA Approval of Other Services.* Any service or activity which is not authorized in paragraphs (g) (1) or (2) of these sections must receive NCUA Board approval before a credit union service organization may offer the service or activity. Any request for NCUA Board approval of a new service or activity should include a full explanation of the service or activity and how that service or activity is associated with routine credit union operations. The request should be submitted to the appropriate NCUA Regional Office. The request will be treated as a petition to amend paragraphs (g) (1) or (2) of this section, and NCUA will request public comment or otherwise act on the petition within 60 days after receipt.

(5) *Statutory prohibitions.* Pursuant to section 107(7)(I) of the Act, a Federal credit union may not acquire control, directly or indirectly, of another financial institution, nor invest in shares, stocks or obligations of an insurance company, trade association, liquidity facility, or other similar organization.

(h) *Insider dealing.* Individuals who serve as officials of, or are employed by, a Federal credit union, and immediate family members of such individuals, may not receive any salary, commission, investment income, or other income or compensation from any credit union service organization affiliated with their Federal credit union. For purposes of this section, "official" means any director or committee member, and "immediate family member" means a spouse or a child, parent, grandchild, grandparent, brother or sister, or the spouse of any such individual. An "affiliated" credit union service organization is one which a Federal credit union invests in or loans to.

(i) *Accounting procedures; access to information.*—(1) *Federal credit union*

accounting. Federal credit unions must follow generally accepted principles (GAAP) in their involvement with credit union service organizations.

(2) *Audits and financial statements.* Federal credit unions must obtain, for any credit union service organization for which the credit union has an outstanding loan or investment, a CPA audit on at least an annual basis and financial statements (balance sheet and income statement) on at least a quarterly basis.

(3) *Credit union service organization accounting.* A credit union service organization must agree in writing, with its participating Federal credit unions, the follow GAAP.

(4) *NCUA access to credit union service organization books and records.* A credit union service organization must agree in writing, with its participating Federal credit unions, to provide the NCUA Board of its representative with complete access to any books and records of the credit union service organization as deemed necessary by the Board in carrying out its responsibilities under the Federal Credit Union Act.

(j) *Preexisting credit union service organizations.* Any credit union service organization that was in existence prior to the effective date of this regulation and that was legally operating in a manner that, although inconsistent with this regulation, was permitted under the previous NCUA regulation, may continue such operation until (date equalling one year from effective date of new regulation). This paragraph (§ 701.27(j)) expires on (1 day later).

[FR Doc. 85-21677 Filed 9-10-85; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 85-AWA-26]

Proposed Alteration and Establishment of VOR Federal Airways; California

Correction

In FR Doc. 85-18334 beginning on page 31384 in the issue of Friday, August 2, 1985, make the following corrections:

On page 31385, first column, in "V-230", second line insert "a S" after the word "including".

In "V-87", fourth line, "220" should read "229" and "Aslinas" should read "Salinas".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

Customs Service Field Organization; Chicago, IL

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Withdrawal of proposed rule.

SUMMARY: This document withdraws a notice which proposed to amend the Customs Regulations by slightly extending the geographical limits of the port of Chicago, Illinois. After analysis of the comments received in response to the notice and further review of the matter, Customs has determined that there is no need to extend the port limits.

DATE: Withdrawal effective September 11, 1985.

FOR FURTHER INFORMATION CONTACT: Richard Coleman, Office of Inspection and Control, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8157).

SUPPLEMENTARY INFORMATION:

Background

In the list of Customs regions, districts, and ports of entry set forth in § 101.3(b), Customs Regulations (19 CFR 101.3(b)), the port of Chicago, Illinois, is listed in the Chicago, Illinois, Customs District in the North Central Region. Customs has been requested to extend the eastern boundary of the port so that Michiana Airport, located in South Bend, Indiana, would be within 35 miles of the port limit thereby permitting consideration of its planned request for a foreign-trade zone.

Accordingly, by a document published in the Federal Register on February 11, 1985 (50 FR 5628), it was proposed to expand the existing port limits by slightly extending the eastern boundary to include Interstate 80 from its intersection with Indiana Route 49 to its intersection with Indiana Highway 421 in La Porte County, Indiana. Five comments were received in response to the notice.

Action—Withdrawal of Proposal

Based upon analysis of the comments received, and upon further review of the proposal, Customs has determined that the extended Chicago port limits are not needed. Michiana Regional Airport will receive consideration of its request for a foreign-trade zone regardless of the geographical limits of the port of Chicago. Accordingly, the notice published in the Federal Register on

February 11, 1985 (50 FR 5628), is withdrawn.

Drafting Information

The principal author of this document was Glen E. Vereb, Regulations Control Branch, Office of Regulations and Rulings, Customs Headquarters. However, personnel from other Customs offices participated in its development.

Dated: September 4, 1985.

William von Raab,
Commissioner of Customs.

[FR Doc. 85-21684 Filed 9-10-85; 8:45 am]

BILLING CODE 4820-02-M

Internal Revenue Service

26 CFR Part 1

[LR-238-81]

Investment Tax Credit for Certain Rehabilitation Expenditures; Public Hearing

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to an investment tax credit for rehabilitation expenditures incurred in connection with the rehabilitation of a qualified rehabilitated building.

DATES: The public hearing will be held on Friday, October 11, 1985, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by Friday, September 27, 1985.

ADDRESS: The public hearing will be held in the I.R.S. auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The requests to speak and outlines of oral comments should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-238-81), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: B. Faye Easley of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 or telephone 202-566-3935 (not a toll-free call).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under sections 46, 48, and 191 of the Internal Revenue Code of 1954. The proposed regulations appeared in the Federal Register for Friday, June 28, 1985 (50 FR 26794).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit, not later than Friday, September 27, 1985, an outline of the oral comments to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of the time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue.

Peter K. Scott,

Director, Legislation and Regulations Division.

[FR Doc. 85-21689 Filed 9-10-85; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 228

Miscellaneous Minerals Provisions; Operations Within Misty Fjords and Admiralty Island National Monuments, Alaska

AGENCY: Forest Service, USDA.

ACTION: Proposed rule.

SUMMARY: Misty Fjords and Admiralty Island Monuments were established by the Alaska National Interest Lands Conservation Act on December 2, 1980, for the purpose of protecting objects of ecological, cultural, Geological, historical, prehistorical, and scientific interest. Section 503(f)(2)(A) of the Act provides that the holders of valid mining claims within the Monuments may conduct mineral activities in accordance with regulations promulgated by the Secretary of Agriculture to ensure that the mineral activities are compatible, to the maximum extent feasible, with the purpose for which the Monuments were

established. The proposed rule establishes the procedures the Forest Service would use in meeting the standard of section 503(f)(2)(A) of the Act.

DATE: Comments must be received on or before November 12, 1985.

ADDRESS: Comments or questions on the proposed rule may be addressed to: R. Max Peterson, Chief (2800), Forest Service, USDA, P.O. Box 2417, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Harry G. Stumpf, Minerals and Geology Management Staff, (703) 235-8011.

SUPPLEMENTARY INFORMATION: The lands within the Misty Fjords and Admiralty Island National Monuments were withdrawn from mineral entry on December 1, 1978, by Presidential Proclamations 4611 and 4623 and on December 2, 1980, by the Alaska National Interest Lands Conservation Act (Section 503(f)(1) (94 Stat. 2400)). However, the Act provided for the evaluation and development of valid mining claims within the Monuments. In order for a claim to be valid, the claimant must demonstrate that a discovery of a valuable mineral deposit (within the meaning of the United States mining laws) was made within the boundaries of the claim. Therefore, the proposed rule can apply only to core claims (those patented or valid as of November 30, 1978) and to those unperfected claims on which a valuable mineral discovery was made after November 30, 1978, as defined by sections 504(a)(2) and 504(e)(1), respectively, of the Act, the proposed rule requires an identification of the resources that the Monuments were established to protect. In addition, the proposed rule establishes guidelines to assist Forest officers in determining whether proposed mineral activities are compatible with the protection of the identified Monument resources. The proposed rule also provides guidance to Forest officers in determining whether mitigation measures are feasible, that is, whether the measures will successfully reduce adverse environmental impacts of mineral activities on the identified resources without jeopardizing the economic viability of the overall project.

Regulatory Impact

The proposed rule has been reviewed under USDA procedures and Executive Order 12291, and it has been determined that this regulation is not a major rule. The regulation will not have an effect on the economy of \$100 million or more and, in and of itself, will not increase

major costs to consumers, geographic regions, industry, or Federal, State, and local agencies. The regulation is essentially procedural, and, therefore, it will not adversely affect competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete in foreign markets.

Controlling Paperwork Burdens on the Public

The proposed rule contains no information collection requirements not already required by existing regulations (36 CFR Part 228 Subpart A) for approval of mineral activities in the National Forest System. Those requirements were approved by the Office of Management and Budget through September 30, 1986, and assigned Clearance Number 0598-0022.

Small Entity Impact

In accordance with the Regulatory Flexibility Act of 1981 (5 U.S.C. 601 et seq.), the Assistant Secretary of Agriculture for Natural Resources and Environment has determined that this action will not have a significant economic impact on a substantial number of small entities. It imposes no new paperwork or recordkeeping requirements on small entities. The information collection and reporting requirements to which a small entity would be subject under the proposed rule have not been increased and have been kept to the minimum necessary for the protection of the surface resources of the Misty Fjords and Admiralty Island National Monuments. These requirements are well within the capability of small entities involved in extracting minerals; therefore, the proposed rule should not affect the competitive position of small entities in relation to large entities, nor should it affect their cash flow, liquidity, or ability to remain in the market.

Environmental Impact Statement

The Forest Service has determined that the proposed rule is not a major Federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required (42 U.S.C. 4321 et seq.).

List of Subjects in 36 CFR Part 228

Administrative practice and procedure, Environmental protection, Mineral resources, Mines, National forests, National monuments, Surety bonds.

For reasons set out in the preamble, it is proposed to amend 36 CFR Chapter II as follows:

1. Revise the authority citation for Part 228 to read as follows:

Authority: 30 Stat. 35 and 36, as amended (16 U.S.C. 478, 551), and 94 Stat. 2400, unless otherwise noted.

2. Add new § 228.80, Operations within Misty Fjords and Admiralty Island National Monuments, Alaska, to Subpart D of Part 228 to read as follows:

PART 228—MINERALS

Subpart D—Miscellaneous Minerals Provisions

§ 228.80 Operations within Misty Fjords and Admiralty Island National Monuments, Alaska.

(a) Mineral activities on valid mining claims in the Misty Fjords and Admiralty Island National Monuments must be conducted in accordance with the regulations in Subpart A of this Part and with the provisions of this section.

(b) Prior to approving plans of operations, consideration must be given to:

(1) The resources of ecological, cultural, geological, historical, prehistorical, and scientific interest likely to be affected by the proposed operations, including access; and

(2) The potential adverse impacts on the identified resource values resulting from the proposed operations.

(c) Plans of operations will be approved if, in the judgment of the authorized officer, proposed operations are compatible, to the maximum extent feasible, with the protection of the resource values identified pursuant to paragraph (b)(1) of this section.

(1) Operations will be deemed compatible if the plans of operations include, where appropriate, feasible measures for the prevention or mitigation of potential adverse impacts on the identified resource values.

(2) In determining the feasibility of measures to protect the identified resource values, the authorized officer shall consider the long term economic viability of the operation, the use of the best available technology and equipment, and both the effectiveness and practicality of the measures in preventing or mitigating adverse impacts.

Dated: August 28, 1985.

Douglas W. MacCleery,

Deputy Assistant Secretary for National Resources and Environment.

[FR Doc. 85-21737 Filed 9-10-85; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF THE INTERIOR

43 CFR Part 17

Enforcement of Nondiscrimination on the Basis of Handicap in Department of the Interior Programs

AGENCY: Department of the Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed regulation provides for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by the Department of the Interior.

DATES: To be assured of consideration, comments must be in writing and must be received on or before November 12, 1985. Comments should refer to specific sections in the regulation.

ADDRESSES: Comments should be sent to: Director, Office for Equal Opportunity, U.S. Department of the Interior, 18th and C Streets, NW., Washington, DC 20240.

Comments received will be available for public inspection in the Office for Equal Opportunity, U.S. Department of the Interior, 18th and C Streets, NW., Washington, DC 20240 from 8:00 a.m. to 4:00 p.m., Monday through Friday. Copies of this notice are available on tape for those with impaired vision. They may be obtained at the above address.

FOR FURTHER INFORMATION CONTACT: Joseph A. Canedo, Office for Equal Opportunity, U.S. Department of the Interior, Washington, D.C. 20240 (202) 343-3669 (voice) or (202) 343-4331 (TDD).

SUPPLEMENTARY INFORMATION:

Background

The purpose of this proposed rule is to provide for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), as it applies to programs and activities conducted by the Department of the Interior. As amended by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 (Sec. 119, Pub. L. 95-602, 92 Stat. 2982), section 504 of the Rehabilitation Act of 1973 states that:

No otherwise qualified handicapped individual in the United States, . . . shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service. The head of each such agency

shall promulgate such regulations as may be necessary to carry out the amendments to this section made by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Act of 1978. Copies of any proposed regulation shall be submitted to appropriate authorizing committees of the Congress, and such regulation may take effect no earlier than the thirtieth day after the date on which such regulation is so submitted to such committees.

(29 U.S.C. 794) (amendment italicized)

The substantive nondiscrimination obligations of the agency, as set forth in this proposed rule, are identical, for the most part, to those established by Federal regulations for programs or activities receiving Federal financial assistance. See 28 CFR Part 41 (section 504 coordination regulation for federally assisted programs). This general parallelism is in accord with the intent expressed by supporters of the 1978 amendment in floor debate, including its sponsor, Rep. James M. Jeffords, that the Federal Government should have the same section 504 obligations as recipients of Federal financial assistance. 124 Cong. Rec. 13,901 (1978) (remarks of Rep. Jeffords); 124 Cong. Rec. E2668, E2670 (daily ed. May 17, 1978) *id.*; 124 Cong. Rec. 13,897 (remarks of Rep. Brademas); *id.* at 38,552 (remarks of Rep. Sarasin).

This regulation has been reviewed by the Department of Justice. It is an adaptation of a prototype prepared by the Department of Justice under Executive Order 12250 (45 FR 72995, 3 CFR, 1980 Comp., p. 298) and distributed to Executive agencies.

This regulation has also been reviewed by the Equal Employment Opportunity Commission under Executive Order 12067 (43 FR 28967, 3 CFR, 1978 Comp., p. 206).

It is not a major rule within the meaning of Executive Order 12291 (46 FR 13193, 3 CFR, 1981 comp., p. 127) since it affects only the programs and activities conducted by the Department, and its employment practices, and will not have more than a \$100 million gross annual effect on the economy nor result in major increases in costs or prices for consumers, individual industries, Federal, state, or local governments, agencies, or geographic regions. Therefore, a regulatory impact analysis has not been prepared.

This regulation does not have an impact on small entities since it affects only the programs and activities conducted by the Department, and its employment practices. It is not, therefore, subject to the Regulatory Flexibility Act. (5 U.S.C. 601-612).

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

The Department of the Interior has stewardship over most of the nation's lands which are accessible to the public. For example, the National Park Service comprises 334 areas and over 79 million acres. Approximately 250 million persons visit our nation's national parks annually. Over the past few years an increasingly higher number of persons who are disabled have visited our parks. The same applies to the National Fish and Wildlife Refuges and Hatcheries administered by the U.S. Fish and Wildlife Service, the public lands and waters under the jurisdiction of the Bureau of Land Management and the Bureau of Reclamation, the program of the Bureau of Indian Affairs, and other components of the Department of the Interior.

The Department is totally committed to the concept of integration of disabled persons into its diverse programs in the national parks, historical sites, fish and wildlife refuges and hatcheries, public lands and waters, Bureau of Indian Affairs activities, recreational opportunities, and other Departmental programs.

Section-by-Section Analysis

Section 17.501 Purpose.

Section 17.501 states the purpose of the proposed rule, which is to effectuate section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1973, which amended section 504 of the Rehabilitation Act of 1973 to prohibit discrimination on the basis of handicap in programs or activities conducted by Executive agencies or the United States Postal Service.

Section 17.502 Application.

The proposed regulation applies to all programs or activities conducted by the agency. The proposed regulation does not apply to facilities located outside the limits of the United States, nor to programs and activities conducted outside the United States.

Section 17.503 Definitions.

Agency. For purposes of this regulation "agency" means the Department of the Interior.

Auxiliary aids. "Auxiliary aids" means services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in and enjoy the benefits of the agency's programs or

activities. The definition provides examples of commonly used auxiliary aids. Although auxiliary aids are required explicitly only by § 17.560(a)(1), they may also be necessary to meet other requirements of the regulation.

Complete complaint. The definition of "Complete complaint" enables the agency to determine the beginning of its obligation to investigate a complaint (see § 17.570(d)).

Facility. The definition of "facility" is similar to that in the section 504 coordination regulation for federally assisted programs, 28 CFR 41.3(f), except that the terms "rolling stock or other conveyances, outdoor recreation and program spaces, park sites (and) developed sites" have been added as they are appropriate to the Department's programs and activities. The phrase, "or interest in such property," is deleted, because the term "facility", as used in this regulation, refers to structures and not to intangible property rights. It should, however, be noted that the regulation applies to all programs and activities conducted by the agency regardless of whether the facility in which they are conducted is owned, leased, or used on some other basis by the agency. The term "facility" is used in §§ 17.549, 17.550, and 17.570(f).

Handicapped person. The definition of "handicapped person" is identical to the definition appearing in the Department's section 504 regulation for federally assisted programs (43 CFR 17.202(j)). This provides for constituency in the Department's application of section 504.

Historic preservation programs, Historic properties, and substantial impairment. These terms are defined in order to aid in the interpretation of § 17.550(a)(2) and (b)(2), which relate to accessibility of historic preservation programs.

Qualified handicapped person. The definition of "qualified handicapped person" is a revised version of the definition appearing in the section 504 coordination regulation for federally assisted programs (28 CFR 41.32).

Paragraph (1) is an adaptation of existing definitions of "qualified handicapped person" for purposes of federally assisted preschool, elementary, and secondary education programs (see, e.g., 45 CFR 84.3(k)(2)). It provides that a handicapped person is qualified for preschool, elementary, or secondary education programs conducted by the agency, if he or she is a member of a class of persons otherwise entitled by statute, regulation, or agency policy to receive these services from the agency.

In other words, a handicapped person is qualified, if, considering all factors

other than the handicapping condition, he or she is entitled to receive education services from the agency.

Paragraph (2) deviates from existing regulations for federally assisted programs because of intervening court decisions. It defines "qualified handicapped person" with regard to any program other than those covered by paragraph (1) under which a person is required to perform services or to achieve a level of accomplishment. In such programs a qualified handicapped person is one who can achieve the purpose of the program without modifications in the program that would result in a fundamental alteration in its nature. This definition reflects the decision of the Supreme Court in *Southeastern Community College v. Davis*, 442 U.S. 397 (1979). In that case, the Court rules that a hearing-impaired applicant to a nursing school was not a "qualified handicapped person" because her hearing impairment would prevent her from participating in the clinical training portion of the program. The Court found that, if the program were modified so as to enable the respondent to participate (by exempting her from the clinical training requirements), "she would not receive even a rough equivalent of the training a nursing program normally gives." *Id.* at 410. It also found that "the purpose of [the] program was to train persons who could serve the nursing profession in all customary ways," *id.* at 413, and that the respondent would be unable, because of her hearing impairment, to perform some functions expected of a registered nurse. It therefore concluded that the school was not required by section 504 to make such modifications that would result in "a fundamental alteration in the nature of the program." *Id.* at 410.

We have incorporated the Court's language in the definition of "qualified handicapped person" in order to make clear that such a person must be able to participate in the program offered by the agency. The agency is required to make modifications in order to enable a handicapped applicant to participate, but is not required to offer a program of a fundamentally different nature.

The test is whether, with appropriate modifications, the applicant can achieve the purpose of the program offered; not whether the applicant could benefit or obtain results from some other program that the agency does not offer. Although the revised definition allows exclusion of some handicapped people from some programs, it requires that a handicapped person who is capable of achieving the purpose of the program must be accommodated, provided that the

modifications do not fundamentally alter the nature of the program.

For programs or activities that do not fall under either of the first two paragraphs, paragraph (3) adopts the existing definition of "qualified handicapped person" with respect to services (28 CFR 41.32(b)) in the coordination regulation for programs receiving Federal financial assistance. Under this definition, a qualified handicapped person is a handicapped person who meets the essential eligibility requirements for participation in the program or activity.

"Section 504". This definition makes clear that, as used in this regulation, "section 504" applies only to programs or activities conducted by the agency and not to programs or activities to which it provides Federal financial assistance.

Section 17.510 Self-evaluation.

The agency shall conduct a self-evaluation of its compliance with section 504 within one year of the effective date of this regulation. The process shall include consultation with interested persons, including consultation with handicapped persons or organizations representing handicapped persons. The self-evaluation requirement is present in the existing section 504 coordination regulation for programs or activities receiving Federal financial assistance (28 CFR 41.5(b)(2)). Experience has demonstrated the self-evaluation process to be a valuable means of establishing a working relationship with handicapped persons that promotes both effective and efficient implementation of section 504.

Section 17.111 Notice.

Section 17.111 requires the agency to disseminate sufficient information to employees, applicants, participants, beneficiaries, and other interested persons to apprise them of rights and protections afforded by section 504 and this regulation. Methods of providing this information include, for example, the publication of information in handbooks, manuals, and pamphlets that are distributed to the public to describe the agency's programs and activities; the display of informative posters in service centers and other public places; or the broadcast of information by television or radio.

Section 17.530 General prohibitions against discrimination.

Section 17.530 is an adaptation of the corresponding section of the section 504 coordination regulation for programs or

activities receiving Federal financial assistance (28 CFR 41.51).

Paragraph (a) restates the nondiscrimination mandate of section 504. The remaining paragraphs in § 17.530 establish the general principles for analyzing whether any particular action of the agency violates this mandate. These principles serve as the analytical foundation for the remaining sections of the regulation. Whenever the agency has violated a provision in any of the subsequent sections, it has also violated one of the general prohibitions found in § 17.530. When there is no applicable subsequent provision, the general prohibitions stated in this section apply.

Paragraph (b) prohibits overt denials of equal treatment of handicapped persons. The agency may not refuse to provide a handicapped person with an equal opportunity to participate in or benefit from its program simply because the person is handicapped. Such blatantly exclusionary practices often result from the use of irrebuttable presumptions that absolutely exclude certain classes of disabled persons (e.g., epileptics, hearing-impaired persons, persons with heart ailments) from participation in programs or activities without regard to an individual's actual ability to participate. Use of an irrebuttable presumption is permissible only when in all cases a physical condition by its very nature would prevent an individual from meeting the essential eligibility requirements for participation in the activity in question. It would be permissible, therefore, to exclude without an individual evaluation all persons who are blind in both eyes from eligibility for a license to operate a commercial vehicle in interstate commerce; but it may not be permissible to automatically disqualify all those who are blind in just one eye.

Section 504, however, prohibits more than just the most obvious denials of equal treatment. It is not enough to admit persons in wheelchairs to a program if the facilities in which the program is conducted are inaccessible. Paragraph (b)(1)(iii), therefore, requires that the opportunity to participate or benefit afforded to a handicapped person be as effective as that afforded to others. The latter sections on program accessibility (§§ 17.549-17.551) and communications (§ 17.560) are specific applications of this principle.

Despite the mandate of paragraph (d) that the agency administer its programs and activities in the most integrated setting appropriate to the needs of qualified handicapped persons, paragraph (b)(1)(iv), in conjunction with paragraph (d), permits the agency to

develop separate or different aids, benefits, or services when necessary to provide handicapped persons with an equal opportunity to participate in or benefit from the agency's programs or activities. Paragraph (b)(1)(iv) requires that different or separate aids, benefits, or services be provided only when necessary to ensure that the aids, benefits, or services are as effective as those provided to others. Even when separate or different aids, benefits, or services would be more effective, paragraph (b)(2) provides that a qualified handicapped person still has the right to choose to participate in the program that is not designed to accommodate handicapped persons.

Paragraph (b)(1)(v) prohibits the agency from denying a qualified handicapped person the opportunity to participate as a member of a planning or advisory board solely on the basis of handicap.

Paragraph (b)(1)(vi) prohibits the agency from limiting a qualified handicapped person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving any aid, benefit, or service.

Paragraph (b)(3) prohibits the agency from utilizing criteria or methods of administration that deny handicapped persons access to the agency's programs or activities. The phrase "criteria or methods of administration" refers to official written agency policies and the actual practices of the agency. This paragraph prohibits both blatantly exclusionary policies or practices and nonessential policies and practices that are neutral on their face, but deny handicapped persons an effective opportunity to participate.

Paragraph (b)(4) specifically applies the prohibition enunciated in § 17.530 (b)(3) to the process of selecting sites for construction of new facilities or existing facilities to be used by the agency. Paragraph (b)(4) does not apply to construction of additional buildings at an existing site.

Paragraph (b)(5) prohibits the agency, in the selection of procurement contractors, from using criteria that subject qualified handicapped persons to discrimination on the basis of handicap.

Paragraph (b)(6) prohibits the agency from discriminating against qualified handicapped persons on the basis of handicap in the granting of licenses or certification. A person is a "qualified handicapped person" with respect to licensing or certification, if he or she can meet the essential eligibility requirements for receiving the license or certification (see § 17.503).

In addition, the agency may not establish requirements for the programs or activities of licensees or certified entities that subject qualified handicapped persons to discrimination on the basis of handicap. For example, the agency must comply with this requirement when establishing safety standards for the operations of licensees. In that case the agency must ensure that standards that it promulgates do not discriminate against the employment of qualified handicapped persons in an impermissible manner.

Paragraph (b)(6) does not extend section 504 directly to the programs or activities of licensees or certified entities themselves. The programs or activities of Federal licensees or certified entities are not themselves federally conducted programs or activities nor are they programs or activities receiving Federal financial assistance merely by virtue of the Federal license or certificate. However, as noted above, section 504 may affect the content of the rules established by the agency for the operation of the program or activity of the licensee or certified entity, and thereby indirectly affect limited aspects of their operations.

Paragraph (c) provides that programs conducted pursuant to Federal statute or Executive order that are designed to benefit only handicapped persons or a given class of handicapped person may be limited to those handicapped persons.

Section 17.540 Employment.

Section 17.540 prohibits discrimination on the basis of handicap in employment by Executive agencies. This regulation is in accord with a decision of the Fifth Circuit that holds that, despite the resulting overlap of coverage with section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791), Congress intended section 504 to cover the employment practices of Executive agencies. The court also held that in order to give effect to both section 504 and section 501, the administrative procedures of section 501 must be followed in processing section 504 complaints. *Prewitt v. United States Postal Service*, 662 F.2d 292 (5th Cir. 1981). Consistent with that decision, this section provides that the standards, requirements, and procedures of section 501 of the Rehabilitation Act, as established in regulations of the Equal Employment Opportunity Commission (EEOC) at 29 CFR Part 1613, shall be those applicable to employment in federally conducted programs or activities. In addition to this section,

§ 17.570(b) of this regulation specifies that the agency will use the existing EEOC procedures to resolve allegations of employment discrimination. Responsibility for coordinating enforcement of Federal laws prohibiting discrimination in employment is assigned to the EEOC by Executive Order 12067 (43 FR 28967, 3 CFR, 1978 Comp., p. 206). Under this authority, the EEOC establishes government-wide standards on nondiscrimination in employment on the basis of handicap.

Section 17.549 Program accessibility: Discrimination prohibited.

Section 17.549 states the general nondiscrimination principle underlying the program accessibility requirements of §§ 17.550 and 17.551.

Section 17.550 Program accessibility: Existing facilities.

This regulation adopts the program accessibility concept found in the existing section 504 coordination regulation for programs or activities receiving Federal financial assistance (28 CFR 41.56-41.58) with certain modifications. Thus, § 17.550 requires that the agency's program or activity, when viewed in its entirety, be readily accessible to and usable by handicapped persons. The regulation also makes clear that the agency is not required to make each of its existing facilities accessible (§ 17.550(a)(1)). However, § 17.550, unlike 28 CFR 41.56-41.57, places explicit limits on the agency's obligation to ensure program accessibility (§ 17.550 (a)(2), (a)(3)).

Paragraph (a)(2), which establishes a special limitation on the obligation to ensure program accessibility in historic preservation programs, is discussed below in connection with paragraph (b).

Paragraph (a)(3) generally codifies recent case law that defines the scope of the agency's obligation to ensure program accessibility. This paragraph provides that in meeting the program accessibility requirement the agency is not required to take any action that would result in a fundamental alteration in the nature of its program or activity or in undue financial and administrative burdens. A similar limitation is provided in section 17.560(e). This provision is based on the Supreme Court's holding in *Southeastern Community College v. Davis*, 442 U.S. 397 (1979), that section 504 does not require program modifications that result in a fundamental alteration in the nature of a program, and on the Court's statement that section 504 does not require modifications that would result in "undue financial and administrative burdens." 442 U.S. at 412. Since *Davis*,

circuit courts have applied this limitation on a showing that only one of the two "undue burdens" would be created as a result of the modification sought to be imposed under section 504.

See, e.g., *Dopico v. Goldschmidt*, 687 F.2d 644 (2d Cir. 1982); *American Public Transit Association v. Lewis (APTA)*, 655 F.2d 1272 (D.C. Cir. 1981). Thus, in *APTA* the United States Court of Appeals for the District of Columbia Circuit applied the *Davis* language and invalidated the section 504 regulations of the Department of Transportation. The court in *APTA* noted "that at some point a transit system's refusal to take modest, affirmative steps to accommodate handicapped persons might well violate section 504. But DOT's rules do not mandate only modest expenditures. The regulations require extensive modifications of existing systems and impose extremely heavy financial burdens on local transit authorities." 655 F.2d at 1278.

The inclusion of paragraph (a)(3) is an effort to conform the agency's regulation implementing section 504 to the Supreme Court's interpretation of the statute in *Davis* as well as to the decisions of lower courts following the *Davis* opinion. This paragraph acknowledges, in light of recent case law, that in some situations, certain accommodations for a handicapped person may so alter an agency's program or activity, or entail such extensive costs and administrative burdens that the refusal to undertake the accommodations is not discriminatory. The failure to include such a provision could lead to judicial invalidation of the regulation or reversal of a particular enforcement action taken pursuant to the regulation.

This paragraph, however, does not establish an absolute defense; it does not relieve the agency of all obligations to handicapped persons. Although the agency is not required to take actions that would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens, it nevertheless must take any other steps necessary to ensure that handicapped persons receive the benefits and services of the federally conducted program or activity.

Compliance with § 17.550 (a) would in most cases not result in undue financial and administrative burdens on the agency. In determining whether financial and administrative burdens are undue, all agency resources available for use in the funding and operation of the conducted program or activity should be considered. The burden of proving that compliance with § 17.550 (a) would fundamentally alter the nature

of a program or activity or would result in undue financial and administrative burdens rests with the agency. The decision that compliance would result in such alteration or burdens must be made by the agency head and must be accompanied by a written statement of the reasons for reaching that conclusion. Any person who believes that he or she or any specific class of persons has been injured by the agency head's decision or failure to make a decision may file a complaint under the compliance procedures established in § 17.570.

Paragraph (b)(1) sets forth a number of means by which program accessibility may be achieved, including redesign of equipment, reassignment of services to accessible buildings, and provision of aides. In choosing among methods, the agency shall give priority consideration to those that will be consistent with provision of services in the most integrated setting appropriate to the needs of handicapped persons. Structural changes in existing facilities are required only when there is no other feasible way to make the agency's program accessible. The agency may comply with the program accessibility requirement by delivering services at alternate accessible sites or making home visits as appropriate.

Section 17.550(a)(2) provides an additional limitation on the obligation to ensure program accessibility that is applicable only to historic preservation programs. In order to avoid possible conflict between the congressional mandates to preserve historic properties on the one hand and to eliminate discrimination against handicapped persons on the other, § 17.550(a)(2) provides that in historic preservation programs the agency is not required to take any action that would result in a substantial impairment of significant historic features of an historic property.

Nevertheless, because the primary benefit of an historic preservation program is uniquely the experience of the historic property itself, § 17.550(b)(2) requires the agency to give priority to methods of providing program accessibility that permit handicapped persons to have physical access to the historic property. This priority on physical access may also be viewed as a specific application of the general requirement that the agency administer programs in the most integrated setting appropriate to the needs of qualified handicapped persons § 17.530(d). Only when providing physical access would result in a substantial impairment of significant historic features, a fundamental alteration in the nature of the program, or in undue financial and

administrative burdens, may the agency adopt alternative methods for providing program accessibility that do not ensure physical access. Examples of some alternative methods are provided in § 17.550(b)(2).

The special limitation on program accessibility set forth in § 17.550(a)(2) is applicable only to programs that have preservation of historic properties as a primary purpose (*see supra* definition of "historic preservation program," § 17.503). Narrow application of the special limitation is justified because of the inherent flexibility of the program accessibility requirement. Where historic preservation is not a primary purpose of the program the agency is not bound to a particular facility. It can relocate all or part of its program to an accessible facility, make home visits, or use other standard methods of achieving program accessibility without making structural alterations that might impair significant historic features of the historic property.

Section 17.550(b)(3) has been added to clearly establish that this regulation applies to recreation programs conducted by the Department.

Paragraphs (c) and (d) establish time periods for complying with the program accessibility requirement. As currently required for federally assisted programs by 28 CFR 41.57(b), the agency must make any necessary structural changes in facilities as soon as practicable, but in no event later than three years after the effective date of this regulation. Where structural modifications are required, a transition plan shall be developed within six months of the effective date of this regulation. Aside from structural changes, all other necessary steps to achieve compliance shall be taken within sixty days.

Section 17.551 Program accessibility: New construction and alterations.

Overlapping coverage exists with respect to new construction under section 504, section 502 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 792), and the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151-4157). Section 17.551 provides that those buildings that are constructed or altered by, on behalf of, or for the use of the agency shall be designed, constructed, or altered to be readily accessible to and usable by handicapped persons in accordance with 41 CFR 101-19.600 to 101-19.607 (General Services Administration regulations). This standard was promulgated pursuant to the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151-4157). We believe that it is appropriate to adopt

the existing Architectural Barriers Act standard for section 504 compliance because new and altered buildings subject to this regulation are also subject to the Architectural Barriers Act and because adoption of the standard will avoid duplicative and possible inconsistent standards.

Existing buildings leased by the agency after the effective date of this regulation are not required to meet the new construction standard. They are subject, however, to the requirements of § 17.550.

Section 17.560 Communications.

Section 17.560 requires the agency to take appropriate steps to ensure effective communications with personnel of other Federal entities, applicants, participants, and members of the public. These steps shall include procedures for determining when auxiliary aids are necessary under § 17.560(a)(1) to afford a handicapped person an equal opportunity to participate in, and enjoy the benefits of, the agency's program or activity. They shall also include an opportunity for handicapped persons to request the auxiliary aids of their choice. This expressed choice shall be given primary consideration by the agency (§ 17.560(a)(1)(i)). The agency shall honor the choice unless it can demonstrate that another effective means of communication exists or that use of the means chosen would not be required under § 17.560(e). That paragraph limits the obligation of the agency to ensure effective communication in accordance with *Davis* and the circuit court opinions interpreting it (*see supra* preamble § 17.550(a)(3)). Unless not required by § 17.560(e), the agency shall provide auxiliary aids at no cost to the handicapped person.

Compliance with § 17.560 would in most cases not result in undue financial and administrative burdens on the agency. In determining whether financial and administrative burdens are undue, all agency resources available for use in the funding and operation of the conducted program or activity should be considered. The burden of providing that compliance with § 17.560 would fundamentally alter the nature of a program or activity or would result in undue financial and administrative burdens rests with the agency. The decision that compliance would result in such alteration or burdens must be made by the agency head and must be accompanied by a written statement of the reasons for reaching that conclusion. Any person

who believes that he or she or any specific class of persons has been injured by the agency head's decision or failure to make a decision may file a complaint under the compliance procedures established in § 17.570.

In some circumstances, a notepad and written materials may be sufficient to permit effective communication with a hearing-impaired person. In many circumstances, however, they may not be, particularly where the hearing-impaired applicant or participant is not skilled in spoken or written language. Then, a sign language interpreter may be appropriate. For vision impaired persons, effective communication might be achieved by several means, including readers and audio recordings. In general, the agency intends to make clear to the public (1) the communications services it offers to afford handicapped persons an equal opportunity to participate in or benefit from its programs or activities, (2) the opportunity to request a particular mode of communication, and (3) the agency's preferences regarding auxiliary aids if it can demonstrate that several different modes are effective.

The agency shall ensure effective communication with vision-impaired and hearing-impaired persons involved in hearings conducted by the agency. Auxiliary aids must be afforded where necessary to ensure effective communication at the proceedings. If sign language interpreters are necessary, the agency may require that it be given reasonable notice prior to the proceeding of the need for an interpreter. Moreover, the agency need not provide individually prescribed devices, readers for personal use or study, or other devices of a personal nature (§ 17.560(a)(1)(ii)). For example, the agency need not provide eye glasses or hearing aids to applicants or participants in its programs. Similarly, the regulation does not require the agency to provide wheelchairs to persons with mobility impairments.

Paragraph (b) requires the agency to provide information to handicapped persons concerning accessible services, activities, and facilities. Paragraph (c) requires the agency to provide signage at inaccessible facilities that directs users to locations with information about accessible facilities.

Paragraph (d) requires the agency to take appropriate steps to ensure that information regarding section 504 rights and protections that is supplied to employees, applicants, participants, beneficiaries, and other interested persons under § 17.511 is effectively communicated to handicapped persons.

Section 17.570 Compliance procedures.

Paragraph (a) specifies that paragraph (c) through (1) of this section establish the procedures for processing complaints other than employment complaints. Paragraph (b) provides that the agency will process employment complaints according to procedures established in existing regulations of the EEOC (29 CFR Part 1613) pursuant to section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

The agency is required to accept and investigate all complete complaints (§ 17.570(d)). If it determines that it does not have jurisdiction over a complaint, it shall promptly notify the complainant and make reasonable efforts to refer the complaint to the appropriate entity of the Federal government (§ 17.570(e)).

Paragraph (f) requires the agency to notify the Architectural and Transportation Barriers Compliance Board upon receipt of a complaint alleging that a building or facility subject to the Architectural Barriers Act or section 502 was designed, constructed, or altered in a manner that does not provide ready access to and use by handicapped persons.

Paragraph (g) requires the agency to provide to the complainant, in writing, findings of fact and conclusions of law, the relief granted if noncompliance is found, and notice of the right to appeal (§ 17.570(g)). One appeal within the agency shall be provided (§ 17.570(i)). The appeal will not be heard by the same person who made the initial determination of compliance or noncompliance (§ 17.570(i)).

Paragraph (1) permits the agency to delegate its authority for investigating complaints to other Federal agencies. However, the statutory obligation of the agency to make a final determination of compliance or noncompliance may be delegated.

List of Subjects in 43 CFR Part 17

Blind, Civil rights, Deaf, Disabled, Discrimination against handicapped, Equal educational opportunity, Equal employment opportunity, Federal buildings and facilities, Handicapped, Historic places, Historic preservation, National Register of Historic Places, Nondiscrimination, Physically handicapped.

For the reasons set forth in the preamble, Title 43 Code of Federal Regulations Part 17 is proposed to be amended as follows:

Dated: July 9, 1985.
Donald P. Hodel,
Secretary of the Interior.

Part 17 is amended by adding Subpart E to read as follows:

PART 17—[AMENDED]

Subpart E—Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of the Interior

- Sec.
- 17.501 Purpose.
 - 17.502 Application.
 - 17.503 Definitions.
 - 17.504–17.509 [Reserved]
 - 17.510 Self-evaluation.
 - 17.511 Notice.
 - 17.512–17.529 [Reserved]
 - 17.530 General prohibitions against discrimination.
 - 17.531–17.539 [Reserved]
 - 17.540 Employment.
 - 17.541–18.548 [Reserved]
 - 17.549 Program accessibility: Discrimination prohibited.
 - 17.550 Program accessibility: Existing facilities.
 - 17.551 Program accessibility: New construction and alterations.
 - 17.552–17.559 [Reserved]
 - 17.560 Communications.
 - 17.561–17.569 [Reserved]
 - 17.570 Compliance procedures.
 - 17.571–17.999 [Reserved]
- Authority: 29 U.S.C. 794.

Subpart E—Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of the Interior

§ 17.501 Purpose.

The purpose of this part is to effectuate section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, which amended section 504 of the Rehabilitation Act of 1973 to prohibit discrimination on the basis of handicap in programs or activities conducted by Executive agencies or the United States Postal Service.

§ 17.502 Application.

This part applies to all programs or activities conducted by the agency within the limits of the United States, and all agency facilities located within the limits of the United States.

§ 17.503 Definitions.

For purpose of this part, the term—
Agency means Department of the Interior.

Auxiliary aids means services or devices that enable persons with impaired sensory, manual, or speaking

skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities conducted by the agency. For example, auxiliary aids useful for persons with impaired vision include readers, Brailled materials, audio recordings, and other similar services and devices. Auxiliary aids useful for persons with impaired hearing include telephone handset amplifiers, telephones compatible with hearing aids, telecommunication devices for deaf persons (TDD's), interpreters, notetakers, written materials, and other similar services and devices.

Complete complaint means a written statement that contains the complainant's name and address and describes the agency's actions in sufficient detail to inform the agency of the nature and date of the alleged violation of section 504. It shall be signed by the complainant or by someone authorized to do so on his or her behalf. Complaints filed on behalf of classes or third parties shall describe or identify (by name, if possible) the alleged victims of discrimination.

Facility means all or any portion of buildings, structures, equipment, roads, walks, parking lots, outdoor recreation and program spaces, park sites, developed sites, rolling stock or other conveyances, or other real or personal property.

Handicapped person means any person who has a physical, mental, or sensory impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

As used in this definition, the phrase:

(1) *Physical, mental, or sensory impairment* includes—

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or

(ii) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical, mental or sensory impairment" includes, but is not limited to, such disease and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction, and alcoholism.

(2) *Major life activities* includes functions such as caring for one's self,

performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) *Has a record of such impairment* means has a history of, or has been misclassified as having, a mental, physical, or sensory impairment that substantially limits one or more major life activities.

(4) *Is regarded as having an impairment* means—

(i) Has a physical, mental, or sensory impairment that does not substantially limit major life activities but is treated by the agency as constituting such a limitation;

(ii) Has a physical, mental, or sensory impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

(iii) Has none of the impairments defined in paragraph (1) of this definition but is treated by the agency as having such an impairment.

Historic preservation programs means programs conducted by the agency that have preservation of historic properties as a primary purpose.

Historic properties means those properties that are listed or eligible for listing in the National Register of Historic Places.

Qualified handicapped person means—

(1) With respect to preschool, elementary, or secondary education services provided by the agency, a handicapped person who is a member of a class of persons otherwise entitled by statute, regulation, or agency policy to receive education services from the agency.

(2) With respect to any other agency programs or activity under which a person is required to perform services or to achieve a level of accomplishment, a handicapped person who meets the essential eligibility requirements and who can achieve the purpose of the program or activity without modifications in the program or activity that would result in a fundamental alteration in its nature; and

(3) With respect to any other program or activity, a handicapped person who meets the essential eligibility requirements for participation in, or receipt of benefits from that program or activity.

Section 504 means section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112, 87 Stat. 394 (29 U.S.C. 794)), as amended by the Rehabilitation Act Amendments of 1974 (Pub. L. 93-516, 88 Stat. 1617), and the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 (Pub. L. 95-602, 92

Stat. 2955). As used in this part, section 504 applies only to programs or activities conducted by Executive agencies and not to federally assisted programs.

Substantial impairment means a significant loss of the integrity of finished materials, design quality, or special character resulting from a permanent alteration.

§§ 17.504-17.509 [Reserved]

§ 17.510 Self-evaluation.

(a) The agency shall, within one year of the effective date of this part, evaluate, with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons, its current policies and practices, and the effects thereof, that do not may not or meet the requirements of this part, and, to the extent modification of any such policies and practices is required, the agency shall proceed to make the necessary modifications.

(b) The agency shall, for at least three years following completion of the evaluation required under paragraph (a) of this section, maintain on file and make available for public inspection—

(1) A list of the interested persons consulted;

(2) A description of areas examined and any problems identified; and

(3) A description of any modifications made.

§ 17.511 Notice.

The agency shall make available to employees, applicants, participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the programs or activities conducted by the agency, and make such information available to them in such manner as the agency head finds necessary to apprise such persons of the protections against discrimination assured them by Section 504 and this regulation.

§§ 17.512-17.529 [Reserved]

§ 17.530 General prohibitions against discrimination.

(a) No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity conducted by the agency.

(b)(1) The agency, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or

other arrangements, on the bases of handicap—

(i) Deny a qualified handicapped person the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified handicapped person an opportunity to participate in or benefit from the aid, benefit or service that is not equal to that afforded others;

(iii) Provide a qualified handicapped person with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;

(iv) Provide different or separate aid, benefits, or services to handicapped persons or to any class of handicapped persons than is provided to others unless such action is necessary to provide qualified handicapped persons with aid, benefits, or services that are as effective as those provided to others;

(v) Deny a qualified handicapped person the opportunity to participate as a member of planning or advisory boards; or

(vi) Otherwise limit a qualified handicapped person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service.

(2) The agency may not deny a qualified handicapped person the opportunity to participate in programs or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities.

(3) The agency may not, directly or through contractual or other arrangements, utilize criteria or methods of administration the purpose or effect of which would—

(i) Subject qualified handicapped persons to discrimination on the basis of handicap; or

(ii) Defeat or substantially impair accomplishment of the objectives of a program or activity with respect to handicapped persons.

(4) The agency may not, in determining the site or location of a facility, make selections the purpose or effect of which would—

(i) Exclude handicapped persons from, deny them the benefits of, or otherwise subject them to discrimination under any program or activity conducted by the agency; or

(ii) Defeat or substantially impair the accomplishment of the objectives of a program or activity with respect to handicapped persons.

(5) The agency, in the selection of procurement contractors, may not use

criteria that subject qualified handicapped persons to discrimination on the basis of handicap.

(6) The agency may not administer a licensing or certification program in a manner that subjects qualified handicapped persons to discrimination on the basis of handicap, nor may the agency establish requirements for the programs or activities of licensees or certified entities that subject qualified handicapped persons to discrimination on the basis of handicap. However, the programs or activities of entities that are licensed or certified by the agency are not, themselves, covered by this part.

(c) The exclusion of nonhandicapped persons from the benefits of a program limited by Federal statute or Executive order to handicapped persons or the exclusion of a specific class of handicapped persons from a program limited by Federal statute or Executive order to a different class of handicapped persons is not prohibited by this part.

(d) The agency shall administer programs or activities in the most integrated setting appropriate to the needs of qualified handicapped persons.

§§ 17.531-17.539 (Reserved)

§ 17.540 Employment.

No qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity conducted by the agency. The definitions, requirements and procedures of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791), as established in 29 CFR Part 1613, shall apply to employment in federally conducted programs or activities.

§§ 17.541-17.548 (Reserved)

§ 17.549 Program accessibility: Discrimination prohibited.

Except as otherwise provided in §§ 17.550 and 17.551, no qualified handicapped person shall, because the agency's facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity conducted by the agency.

§ 17.550 Program accessibility: Existing facilities.

(a) *General.* The agency shall operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to and usable by handicapped persons. This paragraph does not—

(1) Necessarily require the agency to make each of its existing facilities or

every part of a facility accessible to and usable by handicapped persons;

(2) In the case of historic preservation programs, require the agency to take any action that would result in a substantial impairment of significant historic features of an historic property; or

(3) Require the agency to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. In those circumstances where agency personnel believe that the proposed action would fundamentally alter the program or activity or would result in undue financial or administrative burdens, the agency has the burden of proving that compliance with § 17.550(a) would result in such an alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the agency head after considering all agency resources available for use in the funding and operation of the conducted program or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or such burdens, the agency shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that handicapped persons receive the benefits and services of the program or activity.

(b) *Methods.*—(1) *General.* The agency may comply with the requirements of this section through such means as redesign of equipment, reassignment of services to accessible locations, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock, or any other methods that result in making its programs or activities readily accessible to and usable by handicapped persons. The agency is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. The agency, in making alterations to existing buildings, shall meet accessibility requirements to the extent compelled by the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151-4157) and any regulations implementing it. In choosing among available methods for meeting the requirements of this section, the agency shall give priority to those methods that offer programs and activities to qualified handicapped persons in the most integrated setting appropriate.

(2) *Historic preservation programs.* In meeting the requirements of § 17.550(a) in historic preservation programs, the agency shall give priority to methods that provide physical access to handicapped persons. In cases where a physical alteration to an historic property is not required because of § 17.550(a)(2) or (a)(3), alternative methods of achieving program accessibility include—

- (i) Using audio-visual materials and devices to depict those portions of an historic property that cannot otherwise be made accessible;
- (ii) Assigning persons to guide handicapped persons into or through portions of historic properties that cannot otherwise be made accessible; or
- (iii) Adopting other innovative methods.

(3) *Recreation programs.* In meeting the requirements of § 17.550(a) in recreation programs, the agency shall provide that the program or activity, when viewed in its entirety, is readily accessible to and usable by handicapped persons. When it is not reasonable to alter natural and physical features, accessibility may be achieved by alternative methods as noted in § 17.550(b)(1).

(c) *Time period for compliance.* The agency shall comply with the obligations established under this section within sixty (60) days of the effective date of this part except that where structural changes in facilities are necessary, such changes shall be made within three years of the effective date of this part, but in any event as expeditiously as possible.

(d) *Transition plan.* In the event that structural changes to facilities are necessary to achieve program accessibility, the agency shall develop, within six months of the effective date of this part, a transition plan setting forth the steps necessary to complete such changes. The plan shall be developed with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons. A copy of the transition plan shall be made available for public inspection. The plan shall, at a minimum—

(1) Identify physical obstacles in the agency's facilities that limit the accessibility of its programs or activities to handicapped persons;

(2) Describe in detail the methods that will be used to make the facilities accessible;

(3) Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken

during each year of the transition period;

(4) Indicate the official responsible for implementation of the plan; and

(5) Identify the persons or groups with whose assistance the plan was prepared.

§ 17.551 Program accessibility: New construction and alterations.

Each building or part of a building that is constructed or altered by, on behalf of, or for the use of the agency shall be designed, constructed, or altered so as to be readily accessible to and usable by handicapped persons. The definitions, requirements, and standards of the Architectural Barriers Act (42 U.S.C. 4151-4157) as established in 41 CFR 101-19.600 to 101-19.607 (General Services Administration Regulation) apply to buildings covered by this section.

§§ 17.552-17.559 [Reserved]

§ 17.560 Communications.

(a) The agency shall take appropriate steps to ensure effective communication with applicants, participants, personnel of other Federal entities, and members of the public.

(1) The agency shall furnish appropriate auxiliary aids where necessary to afford a handicapped person an equal opportunity to participate in, and enjoy the benefits of, a program or activity conducted by the agency.

(i) In determining what type of auxiliary aid is necessary, the agency shall give primary consideration to the requests of the handicapped person.

(ii) The agency need not provide individually prescribed devices, readers for personal use or study, or other devices of a personal nature.

(2) Where the agency communicates with applicants and beneficiaries by telephone, telecommunications devices for deaf persons (TDD's) or equally effective telecommunication systems shall be used.

(b) The agency shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities.

(c) The agency shall provide signage at a primary entrance to each of its inaccessible facilities, directing users to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be used at each primary entrance of an accessible facility.

(d) The agency shall take appropriate steps to provide handicapped persons

with information regarding their section 504 rights under the agency's programs or activities.

(e) This section does not require the agency to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. In those circumstances where agency personnel believe that the proposed action would fundamentally alter the program or activity or would result in undue financial and administrative burdens, the agency has the burden of proving that compliance with § 17.560 would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the agency head after considering all agency resources available for use in the funding and operation of the conducted program or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action required to comply with this section would result in such alteration or such burdens, the agency shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, handicapped persons receive the benefits and services of the program or activity.

§§ 17.561-17.569 [Reserved]

§ 17.570 Compliance procedures.

(a) Except as provided in paragraph (b) of this section, this section applies to all allegations of discrimination on the basis of handicap in programs or activities conducted by the agency.

(b) The agency shall process complaints alleging violations of section 504 with respect to employment according to the procedures established in 29 CFR Part 1613 pursuant to section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

(c) Responsibility for implementation and operation of this section shall be vested in the Director of the Office for Equal Opportunity.

(d) The agency shall accept and investigate all complete complaints for which it has jurisdiction. All complete complaints must be filed within 180 days of the alleged act of discrimination. The agency may extend this time period for good cause.

(e) If the agency receives a complaint over which it does not have jurisdiction, it shall promptly notify the complainant and shall make reasonable efforts to refer the complaint to the appropriate government entity.

(f) The agency shall notify the Architectural and Transportation Barriers Compliance Board upon receipt of any complaint alleging that a building or facility that is subject to the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151-4157), or section 502 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 792), is not readily accessible to and usable by handicapped persons.

(g) Within 180 days of the receipt of a complete complaint for which it has jurisdiction, the agency shall notify the complainant of the results of the investigation in a letter containing—

(1) Findings of fact and conclusions of law;

(2) A description of a remedy for each violation found; and

(3) A notice of the right to appeal.

(h) Appeals of the findings of fact and conclusions of law or remedies must be filed by the complainant within ninety (90) days of receipt from the agency of the letter required by § 17.570(g). The agency may extend this time for good cause.

(i) Timely appeals shall be accepted and processed by Under Secretary.

(j) The agency shall notify the complainant of the results of the appeal within sixty (60) days of the receipt of the request. If the agency determines that it needs additional information from the complainant, it shall have sixty (60) days from the date it receives the

additional information to make its determination on the appeal.

(k) The time limits cited in paragraph (g) and (j) of this section may be extended for an individual case when the Under Secretary determines that there is good cause, based on the particular circumstances of that case, for the extension.

(l) The agency may delegate its authority for conducting complaint investigations to other Federal agencies, except that the authority for making the final determination may not be delegated.

§§ 17.571-17.999 [Reserved]

[FR Doc. 85-21867 Filed 9-10-85; 6:45 am]

BILLING CODE 4310-10-M

Notices

Federal Register

Vol. 50, No. 176

Wednesday, September 11, 1985

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Public Information Meeting

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice

SUMMARY: Notice is hereby given in accordance with § 800.6(b)(3) of the Council's regulations (36 CFR Part 800), that on September 18, 1985, at 7:00 p.m., a public information meeting will be held at the Georgia Power Company Building, Kilowatt Room, 120 South Jefferson Street, Milledgeville, Georgia.

The purpose of the meeting is to provide an opportunity for representatives of national, State and local units of government, representatives of public and private organizations, and interested citizens to receive information and express their views concerning the proposed construction of the Dogwood Retirement Housing project in West Central Milledgeville, Georgia, in an area bounded by West Hancock Street, East Columbia Street, West Green Street and South Jackson Street. It has been determined that this project will adversely effect the Milledgeville Historic District, a property eligible for the National Register of Historic Places. Consideration will be given to the undertaking, its effects on the National Register eligible district, and alternate courses of action that could avoid, mitigate, or minimize adverse effects on this district.

The following is a summary of the agenda of the meeting:

- 7:00 pm—Call To Order
- 7:00 pm—Introduction—Statement of Purpose—HUD
- 7:15 pm—Introduction—Statement of Purpose—ACHP
- 7:30 pm—Project Presentation—HUD & Bradfield Associates

8:00 pm—Resource Presentation—Georgia State Historic Preservation Officer

8:15 pm—Break

8:15 pm—Reconvene for Public Comment

9:30 pm—Adjourn

Testimony will be limited to 5 minutes per person. All who wish to give spoken testimony must register to speak. Speakers will be heard in the order of registration.

Written statements and other exhibits may be submitted to Mr. William Miller, Director, Housing Development Division, Department of Housing and Urban Development, 75 Spring Street, SW, Atlanta, Georgia, 30303 or Mr. Robert R. Garvey, Jr., Executive Director, Advisory Council on Historic Preservation, Old Post Office Building, 1100 Pennsylvania Avenue, NW, Washington, DC 20004, within fifteen (15) days after the date of the meeting for inclusion in the official record.

Additional information regarding the purpose of the meeting is available from the Executive Director, Advisory Council on Historic Preservation, telephone number (202) 786-0505, Attention: Eleni M. Silverman.

Dated September 8, 1985.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 85-21728 Filed 9-10-85; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

September 8, 1985.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

- (1) Agency proposing the information collection;
- (2) Title of the information collection;
- (3) Form number(s), if applicable;
- (4) How often the information is requested;
- (5) Who will be required or asked to report;
- (6) An estimate of the number of responses;
- (7) An estimate of the total number of hours

needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404-W Admin. Bldg., Washington, D.C. 20250, (202) 447-2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attn: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

Extension

- Agricultural Marketing Service Quarterly Report of manufacture and sales of snuff, smoking, and chewing tobacco

TB-39

Quarterly

Businesses or other for-profit; Small businesses or organizations; 200 responses; 100 hours; not applicable under 3504(h)

Larry T. Crabtree (202) 447-3489

- Agricultural Marketing Service Tobacco Stocks Report

TB-26

Quarterly

Businesses or other for-profit; Small businesses or organizations; 800 responses; 800 hours; not applicable under 3504(h)

Larry T. Crabtree (202) 447-3489

- Agricultural Marketing Service Almonds Grown in California Marketing Order 981

Almond Board of California forms Recordkeeping: On occasion; Monthly; Annually

Businesses or other for-profit; 3,998 responses; 1,362 hours; not applicable under 3504(h)

Frank Grasberger (202) 447-5053

- Agricultural Marketing Service Walnuts Grown in California Marketing Order No. 984

Walnut Marketing Board report forms

Recordkeeping: On occasion; Monthly; Annually

Businesses or other for-profit; 16,266 responses; 33,445 hours; not applicable under 3504(h)

Frank Grasberger (202) 447-5053

• Farmers Home Administration
Application for Loan and Guarantee (B&I)

FmHA 449-1

On occasion

Individuals or households; State or local governments; Businesses or other for-profit; Non-profit institutions; Small businesses or organizations; 300 responses; 21,000 hours; not applicable under 3504(h)

Dwight Carmon (202) 475-4103

• Food and Nutrition Service

Destination Data Sheet

FNS 7

On occasion

State or local governments; 3,395 responses; 1,696 hours; not applicable under 3504(h)

Bessie Bradford (703) 756-3660

Revision

• Agricultural Cooperative Service
Annual Survey of Farmer Cooperatives
ACS-13, ACS-14A, B, C

Annually; Once per cooperative
Business or other for-profit; Small businesses or organizations; 6,060 responses; 1,745 hours; not applicable under 3504(h)

Ralph M. Richardson (202) 447-8955

Jane A. Benoit,

Departmental Clearance Officer.

[FR Doc. 85-21730 Filed 9-10-85; 8:45 am]

BILLING CODE 3410-01-M

Office of the Secretary

State of Minnesota Soil and Water Conservation Board Cost-Share Program; Determination of Primary Purpose of Program Payments for Consideration as Excludable From Income Under Section 126 of the Internal Revenue Code of 1954, as Amended

AGENCY: Office of the Secretary, USDA.

ACTION: Notice of determination.

SUMMARY: The Secretary of Agriculture has determined that cost-share payments made to individuals under the Minnesota Soil and Water Conservation Board Cost-Share Program are made primarily for the purpose of conserving soil and water resources and protecting or restoring the environment. This determination, which is made in

accordance with section 126(b) of the Internal Revenue Code of 1954, as amended, and the provisions of 7 CFR Part 14, permits recipients of these payments to exclude them from gross income for Federal income tax purposes if certain other conditions are met.

FOR FURTHER INFORMATION CONTACT:

Department of Agriculture, Soil and Water Conservation Board, 90 West Plato, St. Paul, Minnesota 55107; or Gordell A. Brown, Director, Conservation and Environmental Protection Division, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, DC 20013, (202) 447-6221.

SUPPLEMENTARY INFORMATION: Section 126 of the Internal Revenue Code of 1954, as added by the Revenue Act of 1978 and amended by the Technical Corrections Act of 1979, provides that certain payments made under State programs may be eligible for exclusion from gross income if certain determinations are made. The Secretary of Agriculture must determine whether payments made under a State program, as described in section 126(a)(10), are "made primarily for the purpose of conserving soil and water resources, protecting or restoring the environment, improving forests, or providing a habitat for wildlife." In making this determination, the Secretary of Agriculture must evaluate each program according to criteria set forth in 7 CFR Part 14.

One of the State conservation programs is the Minnesota Soil and Water Conservation Board Cost-Share Program (MSWCC-SP) authorized by Minnesota Statutes (Minn. Stat. Chap. 40 and Minn. Rules Part 8400). This legislation authorizes the Soil and Water Conservation Board to administer the cost-share program.

The MSWCC-SP is a State funded incentive program designed for the purpose of saving the soil and protecting or improving the waters of the State through erosion control and pollution abatement practices. Cost-share payments are made to eligible landowners under the program for the satisfactory installation of soil erosion or sediment control and pollution abatement practices. These payments are available only to those landowners or operators located in Soil and Water Conservation Districts which have agreed to locally administer the program. In order to be eligible for assistance under the program, a landowner must be a cooperator with

the District. Technical assistance is provided through the Districts to landowners.

Eligible cost-sharing practices are as follows:

- (a) Sediment Retention, Erosion or Water Control Structures
- (b) Stripcropping systems
- (c) Terrace Systems
- (d) Diversions
- (e) Stormwater Control Systems
- (f) Field Windbreaks
- (g) Animal Waste Control Systems
- (h) Permanent Vegetative Cover on Critical Areas

The authorizing legislation, rules and regulations, and operating procedures for the Soil and Water Conservation Board Cost-Share Program of the State of Minnesota have been carefully examined by the agencies of the U.S. Department of Agriculture using the criteria set forth in 7 CFR Part 14. The Department has concluded that the payments made under this cost-share program are made to provide financial assistance to eligible persons in carrying out soil and water conservation measures or protecting or restoring the environment. A "Minnesota Soil and Water Conservation Board Cost-Share Program Record of Decision" "Primary Purpose determination for Federal Tax Purpose" has been prepared and is available upon request from the Conservation and Environmental Protection Division, ASCS. Requests may be sent to the address listed above.

Determination

Therefore, it has been determined in accordance with section 126(b) of the Internal Revenue Code of 1954, as amended, and of 7 CFR Part 14 that all cost-share payments made after September 30, 1979 under the Minnesota Soil and Water Conservation Board Cost-Share Program are made primarily for the purpose of conserving soil and water resources and protecting or restoring the environment.

Signed at Washington, DC on September 6, 1985.

John R. Block,

Secretary of Agriculture.

[FR Doc. 85-21727 Filed 9-10-85; 8:45 am]

BILLING CODE 3410-05-M

Statistical Reporting Service

Proposed Change in Fresh Market Vegetable Program

The current program of fresh market vegetable publications, which includes

celery, sweet corn, honeydew melons, lettuce, tomatoes, broccoli, carrots, and cauliflower is as follows:

January—Forecast of acreage for harvest January through March.

April—Forecast of acreage for harvest April through June and projected production during the January through June period. The projected production is based on average yield from the previous 3 years times the forecast of acres to be harvested.

July—Forecast of acreage for harvest July through August and preliminary acres planted, harvested, yield and production for the January through June period.

October—Forecast of acres for harvest October through December and projected production during the June through December period. The projected production is calculated using the same procedure as described for the April report.

Vegetable Summaries—Summaries are issued in December and June and contain acreage, yield, production and value estimates for the January through June and July through December periods.

The Statistical Reporting Service proposes the following modification in the Fresh Market Vegetable Program:

(1) Change all 3-month forecasts of acreage to be harvested to seasonal estimates (winter, spring, summer, and fall) of acreage for harvest and publish harvest dates with the forecasts. This will permit data to be collected and published for the same time periods generally used by industry.

(2) Discontinue all in-season estimates and projections of yield and production.

(3) Annual estimates of acreage planted and harvested and yield, production, and value will be made at the end of the year. These annual estimates will be published in the Vegetable Summary in December and again in June when final data are available.

The estimates program for asparagus, onions, and strawberries has been independent of the programs described above and will remain unchanged.

If the new program is adopted, it would become effective on December 1, 1985. Comments from data users regarding these proposed changes are invited.

Done at Washington, D.C. this 29th day of August 1985.

Raymond R. Hancock,

Acting Administrator.

[FR Doc. 85-21670 Filed 9-10-85; 8:45 am]

BILLING CODE 3410-20-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-580-501]

Postponement of Final Antidumping Duty Determination: Photo Albums and Filler Pages From Korea

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: This notice informs the public that we have received a request from the respondents in this investigation that the final determination be postponed until not later than 135 days after the date of publication of the preliminary determination, as provided for in section 735(a)(2)(A) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(a)(2)(A)). However, we have determined to postpone our final determination as to whether sales of photo albums and filler pages from Korea have occurred at less than fair value until not later than October 23, 1985.

EFFECTIVE DATE: September 11, 1985.

FOR FURTHER INFORMATION CONTACT: Steven Lim or Ken Stanhagen, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone (202) 377-1777.

SUPPLEMENTARY INFORMATION: On February 19, 1985, we published a notice in the Federal Register (50 FR 7624) that we were initiating, under section 732(b) of the Act (19 U.S.C. 1673a(b)), an antidumping duty investigation to determine whether imports of photo albums and filler pages from Korea were being, or were likely to be, sold at less than fair value. On March 18, 1985, the International Trade Commission determined that there is a reasonable indication that imports of photo albums and filler pages from Korea are materially injuring a U.S. industry. On July 16, 1985, we published a preliminary determination of sales at less than fair value with respect to this merchandise (50 FR 28829). The notice stated that if the investigation proceeded normally, we would make our final determination by September 23, 1985.

On July 26, 1985, counsel for Korea Stationary Industry Cooperative Association, the respondents in this case, requested that we extend the period for the final determination until not later than 135 days after the date of publication of the preliminary

determination, in accordance with section 735(a)(2)(A) of the Act. Section 735(a)(2)(A) of the Act provides that the Department may postpone its final determination concerning sales at less than fair value until not later than 135 days after the date on which it published a notice of its preliminary determination, if exporters who account for a significant portion of the merchandise which is the subject of the investigation request a postponement after an affirmative preliminary determination.

Korea Stationary Industry Cooperative Association is qualified to make such a request since it accounts for virtually all exports of the merchandise under investigation. If a qualified exporter properly requests an extension after an affirmative preliminary determination, the Department is required, absent compelling reasons to the contrary, to grant the request.

In the companion Hong Kong investigation, respondents requested an extension of only 30 days. Counsel for petitioners has stated that an extension of 60 days in the case could jeopardize the chances of the ITC cumulating imports. We agree with counsel that the possibility constitutes a compelling reason for limiting the extension in this case to 30 days. Accordingly, the Department will issue a final determination in this case not later than October 23, 1985.

The public hearing is also being postponed until 1:00 p.m. on September 26, 1985, at the U.S. Department of Commerce, Room 1412, 14th Street and Constitution Avenue NW., Washington, D.C. 20230. Accordingly, prehearing briefs must be submitted to the Deputy Assistant Secretary by September 23, 1985.

This notice is published pursuant to section 735(d) of the Act.

Gilbert B. Kaplan,

Acting Deputy Assistant Secretary for Import Administration.

September 3, 1985.

[FR Doc. 85-21710 Filed 9-10-85; 8:45 am]

BILLING CODE 3510-DS-M

[C-469-009]

Carbon Steel Wire Rod From Spain; Final Results of Changed Circumstances Administrative Review and Revocation of Countervailing Duty Order

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of Final Results of Changed Circumstances Administrative Review and Revocation of Countervailing Duty Order.

SUMMARY: On June 4, 1985, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on carbon steel wire rod from Spain and announced its tentative determination to revoke the order. The review covers the period from October 1, 1984.

We gave interested parties an opportunity to comment. After considering all of the comments received, we determine that domestic interested parties are no longer interested in continuation of the order, and we are revoking the order. In accordance with the petitioners' notifications, the revocation will apply to all carbon steel wire rod exported on or after October 1, 1984.

EFFECTIVE DATE: October 1, 1984.

FOR FURTHER INFORMATION CONTACT: Susan Silver or Barbara Williams, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On June 4, 1985, the Department of Commerce ("the Department") published in the *Federal Register* (50 FR 23487) the preliminary results of its changed circumstances administrative review of the countervailing duty order on carbon steel wire rod from Spain (49 FR 28089, July 10, 1984). The Department has now completed that administrative review, in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of Spanish carbon steel wire rod. Such merchandise is currently classifiable under item 607.1700 of the Tariff Schedules of the United States Annotated. The review covers the period from October 1, 1984.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results and tentative determination to revoke. We received written comments from Atlantic Steel Co., Continental Steel Corp., Georgetown Steel Corp., North Star Steel Texas, Inc., and Raritan River Steel Co., the Petitioners, Forjas Alavesas, S.A., an exporter, and Merex

Corp. and Hansa-World Cargo Service, Inc., importers.

Comment 1: The petitioners had requested that their letter of May 9, 1985, concerning the revocation of the countervailing duty order, be published with our June 4, 1985, notice of preliminary results and tentative determination to revoke.

Department's Position: We are appending the letter to this notice. (see Appendix).

Comment 2: The petitioners claim that our notice of preliminary results does not adequately describe the conditions of their support for the revocation of the countervailing duty order. In that notice, we stated that the petitioners had advised the Department that they (the petitioners) were "no longer interested in" the countervailing duty order. However, petitioners maintain they have no objection to the initiation of proceedings to review and revoke the countervailing duty order only so long as the conditions in the May 9, 1985, letter are satisfied.

Department's Position: Our understanding is that the petitioners are no longer interested, i.e., have no objection to our review and revocation of the countervailing duty order as long as the conditions of the letter are met. We are meeting the conditions of the letter.

Comment 3: The petitioners claim that there is a discrepancy in the wording between our notice of preliminary results and the terms of the Arrangement Concerning Trade in Steel Products between Spain and the United States ("the Arrangement"). The Arrangement provides that *shipments of Spanish carbon steel wire rod on or after October 1, 1984, will be subject to export ceilings. Our notice provided that "the revocation will apply to all carbon steel wire rod entered, or withdrawn from warehouse, for consumption on or after October 1, 1984."*

The petitioners argue that we should adhere to the Arrangement by making the revocation applicable only to shipments made on or after October 1, 1984.

Department's Position: Since the petitioners' lack of interest in continuation of the countervailing duty order is the basis of the revocation, and since the petitioners have unambiguously stated that their lack of interest in continuation applies only to shipments made on or after October 1, 1984, we are revoking this order with respect to shipments of Spanish wire rod exported on or after October 1, 1984. Exports prior to October 1, 1984, that are entered, or withdrawn from warehouse, for consumption after that date continue

to be subject to the countervailing duty order.

If any interested party chooses to request, in accordance with the interim final/final rule (50 FR 32556, August 13, 1985), an administrative review for the period immediately preceding October 1, 1984, we will consider arguments that the revocation should affect exports (shipments) prior to October 1 that were entered after October 1.

Comment 4: Hansa argues that the revocation should be effective February 24, 1984, the publication date of the preliminary affirmative countervailing duty determination (49 FR 6962) and the date on which liquidation was suspended, rather than on October 1, 1984. Hansa states its belief that the Arrangement was negotiated with the understanding that "... all unliquidated, suspended entries would be liquidated at the normal tariff rate."

Department's Position: The Arrangement contains no provision requiring that revocation cover all suspended entries. See also Comment 3.

Comment 5: All parties submitting comments requested that the Department conduct an administrative review of the period prior to revocation.

Department's Position: The Department published on August 13, 1985 (50 FR 32556), an interim-final rule itemizing when interested parties may request reviews.

Final Results of the Review and Revocation

After review of the comments received, we determine that the domestic interested parties are no longer interested in continuation of the countervailing duty order on carbon steel wire rod from Spain and that the order should be revoked on this basis.

Therefore, we are revoking the order on carbon steel wire rod from Spain effective October 1, 1984. We will instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise exported on or after October 1, 1984, without regard to countervailing duties and to refund any estimated countervailing duties collected with respect to those entries.

This notice does not cover unliquidated entries of carbon steel wire rod from Spain which were exported prior to October 1, 1984. The Department will cover any entries not covered in a prior administrative review and exported before October 1, 1984, in a separate review, if one is requested.

This administrative review, revocation, and notice are in accordance with sections 751 (b) and (c) of the Tariff Act (19 U.S.C. 1675 (b), (c)) and

§§ 355.41 and 355.42 of the Commerce Regulations (19 CFR 355.41, 355.42).

Dated: September 4, 1985.

Gilbert B. Kaplan,

Acting Deputy Assistant Secretary, Import Administration.

Appendix

May 9, 1985.

Re Outstanding Countervailing Duty and Antidumping Orders Concerning Wire Rod from Spain.

Mr. Alan F. Holmer,

Deputy Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 3850, Washington, D.C. 20230

Dear Mr. Holmer: Paragraph 2(a)(2) of the Arrangement Concerning Trade in certain Steel Products Between Spain and the United States (the "Arrangement") which was confirmed as of January 18, 1985, requires the United States to initiate the legal process to terminate those antidumping and countervailing duty orders described in Appendix A to the Arrangement. The Appendix A orders include, but are not limited to, those resulting from:

—Antidumping petitions filed on November 23, 1983, by Atlantic Steel Company, Continental Steel Corporation, Georgetown Steel Corporation, North Star Steel Texas, Inc., and Raritan River Steel Company concerning carbon steel wire rod.

—Countervailing duty petitions filed on November 23, 1983, by Atlantic Steel Company, Continental Steel Corporation, Georgetown Steel Corporation, North Star Steel Texas, Inc., and Raritan River Steel Company concerning carbon steel wire rod.

On behalf of companies that filed those petitions (hereinafter the "Petitioners"), you are hereby notified that, based on the undertaking of Spain to limit its annual exports of wire rod to the United States to 1.01 percent of U.S. apparent domestic consumption for the duration of the Arrangement, and in reliance on the other understandings expressed herein, the Petitioners will not object to the initiation of legal process to terminate the antidumping and countervailing duty orders resulting from the above described petitions. Nor will they object during such process to the Department's proceedings provided they have assurance that the Spanish Arrangement is in full force and effect and subject to no contingency (whether expressed in the Arrangement or any modifications thereof by side letter or otherwise) that would revise, delay or impair the implementation of the specific restraints concerning wire rod. Petitioners also understand that the United States does not plan to agree to any modifications of the Arrangement that would affect the Spanish obligations concerning wire rod during the Arrangement term.

Petitioners do not intend to file petitions [as specified in paragraph 2(a)(3) of the Arrangement] seeking import relief with respect to wire rod from Spain during the period of the Spanish Arrangement provided that Arrangement proves to be an effective alternative to the results of unfair trade cases as defined by the remedial provisions

[offsetting unfair trade practices] of the orders that will be terminated. To that end, Petitioners expressly do not waive any statutory rights to file such petitions as they may determine nor do they waive their right to take such other steps as may be provided by law.

It is Petitioners' understanding that the Arrangement with Spain is a "bilateral arrangement" within the meaning of Section 804 of the Steel Import Stabilization Act of 1984 and that the President is authorized to enforce the Arrangement pursuant to Section 805(a) of said Act. Pursuant to those provisions and the requirements and terms of the Arrangement, Petitioners further understand that the United States will prohibit entry into this country of wire rod from Spain that (i) is not accompanied by an export certificate and (ii) is not issued consistent with the quantitative limitations specifically applicable to Spain as defined by the Arrangement.

We request that this letter be published together with the Federal Register notice of the initiation of the process required by paragraph 2(a)(2) of the Arrangement. Petitioners will assume that the understandings contained herein are valid and, unless informed otherwise, will undertake to furnish the Department with such documentation as necessary to implement their expression of no objection to the initiation of the referenced legal process and its conclusion.

Respectfully submitted,

Charles Owen Verrill, Jr., Esq.,

Robert E. Nielsen, Esq.,

Wiley & Rein, 1776 K Street, NW.,

Washington, D.C. 20006, (202) 429-7000.

Counsel for Petitioners: Continental Steel

Corp., Georgetown Steel Corp., North Star Steel Texas, Inc., Raritan River Steel Co.

David E. Birenbaum, Esq.,

Alan G. Kashdan, Esq.,

Fried. Frank, Harris, Shriver & Jacobson (a partnership including professional corporations) 600 New Hampshire Ave., NW., Washington, D.C. 20037, (202) 342-3500.

Counsel for Petitioner: Atlantic Steel Co.

[FR Doc. 85-21692 Filed 9-10-85; 8:45 am]

BILLING CODE 3510-DS-M

[C-459-044]

Chains and Parts Thereof of Iron or Steel From Spain; Revocation of Countervailing Duty Order

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of revocation of countervailing duty order.

SUMMARY: As a result of a request by the Government of Spain, the International Trade Commission began an investigation and determined that revocation of the countervailing duty order on chains and parts thereof, of

iron or steel, from Spain would not cause, or threaten to cause, material injury to an industry in the United States. The Department of Commerce consequently is revoking the countervailing duty order. All entries of this merchandise on or after June 21, 1982, will be liquidated without regard to countervailing duties.

EFFECTIVE DATE: September 11, 1985.

FOR FURTHER INFORMATION CONTACT: Bernard Carreau or Barbara Williams, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION: On January 24, 1978, the Treasury Department published in the Federal Register a countervailing duty order on chains and parts thereof, of iron or steel, from Spain (43 FR 3258).

On June 21, 1982, the International Trade Commission ("the ITC") notified the Department of Commerce ("the Department") that the Government of Spain had requested an injury determination for this order under section 104(b) of the Trade Agreements Act of 1979 ("the TAA"). It was not necessary for the Department, upon notification from the ITC, to suspend liquidation of entries of the merchandise pursuant to that section of the TAA, since previous suspensions remained in effect.

On March 26, 1985, the ITC notified the Department of its determination that an industry in the United States would not be materially injured, or threatened with material injury, nor would the establishment of such an industry be materially retarded, by reason of imports of chains and parts thereof, of iron or steel, from Spain if the order were revoked. As a result, the Department is revoking the countervailing duty order concerning chains and parts thereof, of iron or steel, from Spain with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after June 21, 1982, the date the Department received notification of the request for an injury determination.

The Department will instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after June 21, 1982, without regard to countervailing duties, and to refund any estimated countervailing duties collected with respect to these entries.

This revocation and notice are in accordance with section 104(b)(4)(B) of the TAA (19 U.S.C. 1671 note).

Dated: September 5, 1985.

Gilbert B. Kaplan,

Acting Deputy Assistant Secretary, Import
Administration

[FR Doc. 85-21691 Filed 9-10-85; 8:45 am]

BILLING CODE 3510-DS-M

National Bureau of Standards

[Docket No. 50842-5042]

National Voluntary Laboratory Accreditation Program; Metals Testing Inquiry

AGENCY: National Bureau of Standards,
Commerce.

ACTION: Request for comments on need
for establishing a laboratory
accreditation program.

SUMMARY: The National Bureau of
Standards (NBS) has received a request
to establish a laboratory accreditation
program (LAP) under the procedures of
the National Voluntary Laboratory
Accreditation Program (NVLAP) (15 CFR
Part 7). In a letter dated August 20, 1985,
the Defense Industrial Supply Center
(DISC) requests NBS to establish a LAP
to accredit laboratories that test metals.
A copy of the request letter is appended
to this notice. Announcement of this
letter and of the NBS request for
comments with respect to the need for
this LAP is being made under § 7.13(d)
of the referenced procedures.

ADDRESS: Persons desiring to comment
on the need for such a LAP are invited
to submit their comments in writing on
or before November 12, 1985, to James
Nicolo, Chief, Testing and Evaluation
Branch, Defense Industrial Supply
Center, Philadelphia, PA 19111 (215-697-
3000). A copy of such comments should
be sent to the Director, Office of Product
Standards Policy, National Bureau of
Standards, ADMIN A 603, Gaithersburg,
MD 20899.

FOR FURTHER INFORMATION CONTACT:
Peter S. Unger, Associate Manager,
Laboratory Accreditation, National
Bureau of Standards, ADMIN A 531,
Gaithersburg, MD 20899; phone (301)
921-3431.

SUPPLEMENTARY INFORMATION:

Procedure Following Receipt of Comments

After the 60-day comment period,
DISC will evaluate all comments
pertaining to the need for the proposed
LAP. Upon completion of that evaluation
and further consultation with NBS,
interested persons (those who submit
comments or request to be placed on the
NVLAP mailing list) will be notified of
the decision by DISC and NBS whether

to proceed with the development of this
LAP.

Documents in Public Record

All comments in response to this
notice will be made part of the public
record and will be available for
inspection and copying at the NBS
Records Inspection Facility,
Administration Building, Room E106,
Gaithersburg, Maryland.

Dated: September 8, 1985.

Ernest Ambler,

Director, National Bureau of Standards.

August 20, 1985

Appendix

Dr. Ernest Ambler,

Director, National Bureau of Standards,
Gaithersburg, MD 20899

Dear Dr. Ambler: In accordance with § 7.13
of Title 15 of the Code of Federal Regulations,
the Defense Industrial Supply Center (DISC)
requests that you establish a Laboratory
Accreditation Program (LAP) under the
National Voluntary Laboratory Accreditation
Program (NVLAP) to accredit laboratories
that test metals. The authority for making
such a request and determining the need for a
LAP, are based on the vast amount of both
bulk and finished metal products purchased
by DISC. It is estimated that our annual
expenditures for procuring metal products of
all types exceeds ½ billion dollars. In
addition to the large dollar investments we
make for metal products, it is equally
important to recognize that many of the
products involved are used in critical
applications with respect to both the safety
and well-being of our servicemen as well as
national defense.

Laboratories are to be accredited under
this proposed LAP for those test methods
identified in the appendix to this letter. Any
suggestions from others to include additional
metals test methods will be considered.

Need for a LAP

Benefits to the Public Interest. Using a LAP
administered by the National Bureau of
Standards would provide benefits to DISC
and to the public as a whole. The Defense
Industrial Supply Center procures large
quantities of metals and metal products
which need to be tested to ensure that the
government is receiving fair value for the
dollar. DISC also wants to ensure the
credibility of test data used for contract
decisions and possible litigation against
future suppliers to meet contract
specifications, which has been very costly for
all parties involved and has impaired defense
preparedness.

As far as benefits to the public, testing
could remain in the private sector rather than
be taken over by government testing facilities
and extra resources would not have to be
expended if reliable sources of test data were
identified by this LAP. Another benefit would
be a reduction in the variability among
laboratories having differing interpretations
of several test methods which increases the
likelihood of disparate results. Periodic on-
site assessments and proficiency testing

conducted under the LAP will identify and
correct misinterpretations thus providing
more consistent testing.

National Need. There are currently no
credible national programs accrediting
laboratories for metals tests. Once
established, a national recognized group of
laboratories would allow anyone to verify the
consistency and equivalence of testing being
performed throughout the country. Therefore,
DISC would like to establish a LAP of
national scope to identify competent
laboratories that will provide reliable test
results.

Number and Users of Laboratories. There
are dozens of metals testing laboratories in
the country. DISC, the metals industry, as
well as anyone buying metals and metals
products would be users of accredited
laboratories.

Development of Technical Details

We are ready to provide technical support
for the development of the LAP. We offer the
services of our in-house technical experts to
support the development of this LAP. In
addition, we are willing to negotiate the
transfer of sufficient funding to NBS to ensure
establishment of this LAP, if this is mutually
determined to be necessary. We understand
that you would provide the overall
administrative framework as well as the
necessary technical support to operate the
LAP.

Please let us know if we can provide any
other information. In the meantime, we look
forward to the National Bureau of Standards'
expeditious handling of this request. We
would like to receive and respond to all
comments regarding this request after it is
published in the Federal Register. Our point
of contact is James Nicolo, Chief, Testing and
Evaluation Branch, Defense Industrial Supply
Center, Philadelphia, PA 19111; (215) 697-
3000.

Sincerely,

William T. McLean,

Brigadier General, USA, Commanding.

Test Methods

Title	ASTM
Methods of Tension Testing of Metallic Materials	E8
Test Method for Brinell Hardness of Metallic Materials	E10
Test Methods for Rockwell Hardness and Rockwell Superficial Hardness of Metallic Materials	E18
Macroetch Testing, Inspection, and Rating Steel Products Comprising Bars, Billets, Blooms and Forgings	E381
Methods for Chemical Analysis of:	
Aluminum and Aluminum Base Alloys	E34
Cadmium	E396
Brasses, Special, and Bronzes	E54
Copper Alloys	E478
Chromium and Ferrochromium	E363
Nickel	E39
Nickel-Copper Alloys	E76
Nickel-Chromium	E38
Carbon Steel, Low-Alloy Steel, etc.	E350
Cast Iron	E351
Steel, Cast Iron, Open-Hearth and Wrought Iron	E30
Titanium and Titanium Alloys	E120
Non-Ferrous Metals and Alloys, Wrought	E55
Emission Spectrometry (Spectrographic Analysis) of:	
Steel, Carbon and Low-Alloy steel	E415

[FR Doc. 85-21638 Filed 9-10-85; 8:45 am]

BILLING CODE 3510-13-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Thailand

September 6, 1985.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on September 12, 1985. For further information contact Jane Corwin, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

Background

The Governments of the United States and Thailand have agreed to amend their Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of July 27 and August 8, 1983 to establish specific limits for cotton dresses in Category 336, wool knit shirts and blouses in Category 438 and men's and boys' woven shirts of man-made fibers in Category 640, produced or manufactured in Thailand and exported, in the case of Category 438, during the twelve-month period which began on January 1, 1985 and extends through December 31, 1985; and in the case of Categories 336 and 640, exported during the eight-month period which began on May 1, 1985 and extends through December 31, 1985. The letter to the Commissioner of Customs which follows this notice establishes these new specific limits. The limit for Category 640 includes swing and carryforward. No adjustments have been made to account for imports in Categories 336, 438 or 640, exported during the aforementioned periods. Such adjustments will be made as the data become available.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 20622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff

Schedules of the United States Annotated (1985).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

September 6, 1985

Committee for the Implementation of Textile Agreements

Commissioner of Customs,

Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: This directive cancels and supersedes the directive of May 30, 1985 concerning imports in Category 438pt., produced or manufactured in Thailand.

This directive further amends, but does not cancel, the directive of December 21, 1984 from the Chairman of the Committee for the Implementation of Textile Agreements, which directed you to prohibit entry of certain cotton, wool and man-made fiber textile products, produced or manufactured in Thailand and exported during 1985.

Effective on September 12, 1985, the directive of December 21, 1985 is hereby further amended to establish a twelve-month restraint limit of 17,500 dozen¹ for wool textile products in Category 438.

Also effective on September 12, 1985, you are directed to amend the directive of December 21, 1984 to include the following restraint limits for cotton and man-made fiber textile products in Categories 336 and 640, exported during the eight-month period which began on May 1, 1985 and extends through December 31, 1985:

Category	8-mo restraint limit ¹
336	50,000 dozen
640	320,000 dozen

¹ The limits have not been adjusted to reflect any imports exported after April 30, 1984.

Textile products in Categories 336, 640 and 438pt.² which have been exported to the United States prior to January 1, 1985 in the case of Category 438 and prior to May 1, 1985 in the case of Categories 336 and 640 shall not be subject to this directive.

Textile products in Categories 336, 640 and 438pt.² which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553 (a)(1).

¹ The limit has not been adjusted to reflect any imports exported after December 31, 1984.

² In Category 438, all T.S.U.S.A. numbers in the category except 363.1307, 363.1308, 363.2511, 363.5234, 363.5810, 363.6310, 363.7724 and 363.8540.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-21724 Filed 9-10-85; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Community College of the Air Force (CCAF Board of Visitors); Meeting

The Community College of the Air Force Board of Visitors will hold a meeting on October 22, 1985 at 8:00 a.m. in the Conference Room, Room 121, Building 836, located at Maxwell Air Force Base, Montgomery, Alabama.

The meeting is open to the public.

Agenda items include: Briefings and discussions on the State of the College and reports on findings and recommendations of the six Self-Study committees on CCAF's Reaffirmation of Accreditation.

For further information, contact Major Peter Macchia, Jr., (205) 293-7937, Community College of the Air Force, Maxwell Air Force Base, Alabama 36112-0655.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 85-21713 Filed 9-10-85; 8:45 am]

BILLING CODE 3910-01-M

Defense Logistics Agency

Receiving Inspection and Quality Audit of Defense Logistics Agency Managed Items

SUMMARY: Notice is hereby given that the Defense Logistics Agency (DLA) will be adjusting its receiving inspection and Quality Audit activity in order to assure product quality. The receiving inspection at the DLA depots will include limited technical inspection of all receipts of supplies from contractors where inspection and/or acceptance is at destination. The DLA Quality Audit, which has been in existence since 1970, is being expanded so that considerably more material managed by the Defense Construction Supply Center, Defense Electronics Supply Center, Defense General Supply Center, and Defense Industrial Supply Center will be randomly selected and subjected to a detailed technical inspection to assure compliance with requirements after the material has been placed in a "ready to issue" status at the DLA storage locations. When the expansion is fully implemented, the DLA Quality Audit

data will be distributed to industry and the military services. Any verification testing which is determined to be needed in either the receipt inspection or Quality Audit will be accomplished as previously announced in the Federal Register (notice of June 14, 1985, on Independent Product Verification of Defense Logistics Agency Managed Items).

For Further Information Contact: Mr. Michael F. Vezeau, Chief, Logistics Management Division, Quality Assurance Directorate, Defense Logistics Agency, Alexandria, VA 22304-6100 (202/274-6441).

Donald M. Babers,

Lieutenant General, USA, Director.

[FR Doc. 85-21715 Filed 9-10-85; 8:45 am]

BILLING CODE 3620-01-M

DEPARTMENT OF ENERGY

Inventions Available for License

The Department of Energy hereby announces a number of inventions available for license, in accordance with 35 U.S.C. 207-209, in order to achieve expeditious commercialization of results of federally funded research and development. Further information concerning licensing of the inventions, please contact Robert J. Marchick, Office of the Assistant General Counsel for Patents, Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585.

Copies of specifications of the listed U.S. patent applications may be obtained, for a modest fee, from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161.

Issued in Washington, D.C. on September 4, 1985.

J. Michael Farrell,
General Counsel.

United States Department of Energy Patent Applications

Serial No.	Title of invention
564,113	UF ₆ Recovery Process Utilizing Desublimation.
591,646	ELMO Bumpy Square Fusion Device.
614,506	Method and Apparatus for Measuring Areas of Photoelectric Cells and Photoelectric Cell Performance Parameters.
628,078	Non-Bonded Ultrasonic Transducers.
628,079	Fluidized Bed Gasification of Extracted Coal.
628,700	Vacuum Ultraviolet Laser.
631,265	Woven Heat Exchanger.
631,693	Device for Frequency Modulation of a Laser Output Spectrum.
631,697	Portable Cutting Apparatus.
631,696	Staged Fluidized Bed.
632,105	Acoustic Resonator and Method of Making Same.
632,347	Radiation-Hardened Polymeric Films.
632,742	Silicon Nitride Protective Coatings for Silvered Glass Mirrors.

Serial No.	Title of invention
632,743	Monitoring System for a Liquid-Cooled Fusion Reactor.
635,019	Method of Burning Lightly Loaded Coal-Water Slurries.
635,020	Electron-Donor Dopant, Method of Improving Conductivity of Polymers by Doping Therewith, and a Polymer So Treated.
635,022	On-Line Temperature Sensor.
636,430	Tantalum-Copper Alloy and Method for Making Same.
636,511	Method of Bonding Silver to Glass and Mirrors Produced According This Method.
636,631	Capacitance Measuring Device.
636,652	Saturation Meter.
636,655	Reduction of Reabsorption Effects in Scintillators by Employing Solutes with Large Stokes Shifts.
636,656	Method for Fluorination of Actinide Fluorides and Oxyfluorides Using O ₂ F ₂ .
636,657	Precision Linear Ramp Function Generator.
636,658	Method for Removing Oxide Contamination from Silicon Carbide Powders.
636,659	Manufacturing Process to Reduce Large Grain Growth in Zirconium Alloys.
636,751	Thermoelectric Generator and Method for the Fabrication Thereof.
636,960	Process for Oil Shale Retorting Using Gravity-Driven Solids Flow and Solid-Solid Heat Exchange.
637,627	Fiber Optic Moisture Sensor.
637,628	Self-Contained Hot-Hotflow Cathode Gun Assembly.
637,629	Method and Apparatus for Conducting Variable Thickness Vapor Deposition.
639,287	Quantitative Determination of Mineral Composition by Power X-Ray Diffraction.
640,286	Method and Apparatus for Casting Conductive and Semi-Conductive Materials.
641,222	Drying of Pulverized Material with Heated Condensable Vapor.
641,223	Disc Valve for Sampling Erosive Process Streams.
641,225	Magnetically Insulated Diode for Generating Pulsed Neutron and Gamma Ray Emissions.
641,522	Apparatus and Method for Identification of Matrix Materials in Which Transuranic Elements are Embedded Using Thermal Neutron Capture Gamma-Ray Emission.
641,547	Latch Assembly.
643,209	Long-Range Ordered Alloys Modified by Addition of Niobium and Cerium.
643,348	Shear Wave Transducer for Boreholes.
644,467	Electrochemical Methane Sensor.
645,650	Salinity Driven Oceanographic Upwelling.
645,657	Process for Removal of Ammonia and Acid Gases from Contaminated Waters.
645,651	Method for Preparing PB-Beta-Alumina Ceramic.
645,652	Corrosion Resistant Storage Container for Radioactive Material.
645,653	Method for Production of Ceramic Oxide and Carbide Bodies by Polymer Inclusion and Decomposition.
645,654	Fast Reactor Power Plant Design Having Heat Pipe Heat Exchange.
645,725	System and Method of Operating Toroidal Magnetic Confinement Devices.
645,956	Air Blast Type Coal Slurry Fuel Injector.
646,197	Thermophoretic Separation of Aerosol Particles from a Sampled Gas Stream.
648,211	Liquid Sampling System.
649,322	Heat Sinking for Printed Circuitry.
649,625	Measurement of Radionuclides in Waste Packages.
649,626	Method of Recovery of Actinides from Actinide-Bearing Scrap and Waste Nuclear Material Using O ₂ F ₂ .
649,627	Apparatus and Method for the Horizontal, Crucible-Free Growth of Silicon Sheet Crystals.
649,628	Gas Hydrate Cool Storage System.
649,772	Mechanical Connection for a Tubular Assembly.
650,464	Metallic Glass Composition.
650,593	Selective Radiative Cooling with MGO and/or LiF Layers.
652,395	Wide-Range Radiation Dose Monitor.
652,396	Stable n-CuInSe ₂ /Iodide-Iodine Photoelectrochemical Cell.
652,398	Method of Making a Radiation-Hard Electrical Coil.
655,486	Aluminum Battery Alloys.
655,487	Beam Current Sensor.
655,489	Polymer Blends for Use in Photo-electrochemical Cells for Conversion of Solar Energy to Electricity.
655,490	Counterplate Ralgun Energy Recovery Circuit.

Serial No.	Title of invention
655,499	Microchannel Plate Streak Camera.
655,500	Solid State Radiative Heat Pump.
655,592	Method for the Preparation of Photoclonic Insulating Crystals.
655,593	Overpulse Ralgun Energy Recovery Circuit.
655,598	Method for Removing Chlorine Compounds from Hydrocarbon Mixtures.
659,490	Electron Beam Enhanced Surface Modification for Making Highly Resolved Structures.
659,586	Sodium Nitrate Containing Mixture for Producing Ceramic-Glass Ceramic Seal by Microwave Heating.
659,597	Polarized Internal Target Apparatus.
661,841	Stabilizing Coal-Water Mixtures with Portland Cement.
661,842	Portland Cement for SO ₂ Control in Coal-Fired Power Plants.
661,843	Remote Temperature Set Point Controller.
661,850	Molten Carbonate Fuel Cell Separator.
661,951	Integrated Current Collector and Catalyst Support.
661,852	Recovery of Tritium from Tritiated Molecules.
662,641	Transparent Electrode for Optical Switch.
662,642	Electro-Optic Harmonic Conversion to Switch a Laser Beam Out of a Cavity.
662,645	Limiter.
662,655	Polarization of Fast Particle Beams by Collisional Pumping.
662,656	Batteryless Magneto-Driven Portable Radiac.
662,657	Method of Synthesizing Polymers from a Solid Electrolyte.
662,658	Superheated Fuel Injection for Combustion of Liquid-Solid Slurries.
665,214	Antihypertensive Neutral Lipid.
666,585	Method and Apparatus for Maintaining Equilibrium in a Helical Axis Stellarator.
667,384	Semiconductor with Protective Surface Coating and Method of Manufacture Thereof.
668,688	Process for Oil Shale Retorting Using Gravity-Driven Solids Flow and Solid-Solid Heat Exchange.
676,148	Polysilane Positive Photoresist Materials and Methods for Their Use.
676,339	Monoclonal Antibodies to Human Glycophorin A and Cell Lines for the Production Thereof.

U.S. Patent

Patent No.	Title of invention
4,496,836	Device for Identifying a Circumferential Position.

[FR Doc. 85-21680 Filed 9-10-85; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Proposed Form EIA-846, Manufacturing Energy Consumption Survey; Pilot Test.

AGENCY: Office of Energy Markets and End Use, Energy Information Administration, Department of Energy.

ACTION: Notice of Intent to Conduct Pilot Test.

SUMMARY: The Energy Information Administration (EIA) of the Department of Energy (DOE) has requested clearance from the Office of Management and Budget (OMB) to conduct a pilot test of Form EIA-846, the Manufacturing Energy Consumption Survey (MECS). The pilot test will be conducted with a sample of approximately 100 manufacturing establishments.

The purpose of this pilot test is to determine whether the questionnaire and instructions are complete and understandable to potential respondents. Therefore, the results will be used only to refine the EIA-848 prior to conducting the full-scale survey in 1986. (The full-scale survey proposal will require a separate clearance by OMB.)

The data collection form and instructions presented in this notice (copy reproduced following this notice) have been revised in accordance with comments received.

FOR FURTHER INFORMATION CONTACT:

John L. Preston (202) 252-1128, Office of Energy Markets and End Use, Energy Information Administration, EI-652, Room 1F-093, Mail Stop 1H-053, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Current Action

I. Background

The EIA developed the MECS at the behest of Congress. In particular, the conference report accompanying the FY 1985 appropriation for the EIA indicated the expectation that, from this appropriation, a certain amount would be devoted to the MECS. The report identified \$1.7 million of the appropriation for the MECS and three other programs. Of this amount, \$1.1 million will be used to fund the MECS. In addition, the House Committee on Appropriations included the following language in the report to the House of Representatives on July 16, 1985:

The Committee expects the Energy Information Administration to prepare and conduct the manufacturing energy consumption survey funded in fiscal year 1985 in an expeditious manner, taking into account the comments of industry, particularly with regards to confidentiality, but retaining the essential features of the survey, including information on energy expenditures, fuel-switching capabilities, and the use of non-purchased sources of energy such as cogeneration and waste or by-product utilization.

Finally, section 52 of the Federal Energy Administration Act of 1974 (Pub. L. 93-275) requires the EIA to establish a National Energy Information System for use in describing and analyzing energy supply and consumption in the United States. The information collected via the MECS will become a part of the system.

Throughout the MECS development effort, the EIA has communicated with potential data providers, including numerous meetings with representatives of trade associations, and with potential data users. Prior to any detailed

questionnaire development, the EIA issued two Federal Register notices concerning the MECS: 49 FR 7188, February 27, 1984, and 49 FR 29257, July 19, 1984. The February notice solicited comments on the initial design and development of the MECS. The July notice solicited volunteers of manufacturing establishments to participate as sites for visits by EIA staff. EIA staff also interviewed data users within the Department of Energy and in other Federal agencies to determine the various needs for and potential uses of MECS data.

The comments received from industry and from data users, and the results of the 20 site visits conducted by EIA within the manufacturing sector provided guidance on what information is readily available and what data are difficult or impossible to obtain. With this knowledge in mind, EIA developed a proposed MECS questionnaire. To provide ample opportunity for public input on the proposed survey, EIA issued another notice in the Federal Register, 50 FR 11486, March 21, 1985, soliciting comments on the proposed data collection form. A public hearing was also held in Washington, DC on May 20, 1985, to receive comments on the MECS.

At the hearing, representatives of the manufacturing sector expressed strong concerns about confidentiality, duplication of existing reports, and reporting burden imposed by particular questions. The proposed questionnaire was extensively reviewed by EIA in light of the concerns expressed in the responses to the March 1985, Federal Register notice and the statements made at the public hearing. As a result, the questionnaire was modified to reduce the information to be collected to the minimum necessary to obtain base line energy end use data for the manufacturing sector. In addition, for the full-scale survey, the EIA will use the Bureau of the Census as its agent to collect the data under the provisions of title 13 of the U.S. Code. The confidentiality concerns of industry are thus resolved because section 9 of title 13 provides ironclad confidentiality protection.

Consumption data similar to those which will be produced from the MECS are currently being collected by the Energy Efficiency Improvement Program, Form CE-189, which is administered by the DOE's Office of Conservation and Renewable Energy (CE). The CE-189 program is an annual data collection mandated by the Energy Policy and Conservation Act as part of a program to promote increased energy efficiency by American industry. It is

not a statistical survey, but a census of very large energy-intensive corporations. The information cannot be used as a comprehensive manufacturing energy end use data base. Respondents to the CE-189 are corporations which consume one trillion or more Btu per year in any given industrial classification. While this approach captures much of the energy consumption by the more energy intensive industries such as chemicals, it falls short of complete or representative coverage in other sectors.

The EIA has compared CE-189 consumption estimates to data, available through 1981, from the Fuels and Electric Energy Consumed supplement to the Annual Survey of Manufactures produced by the Bureau of the Census. Comparisons at the two-digit SIC level reveal considerable differences, with biases that vary from industry to industry and from year to year. In addition, the manner in which the CE-189 data are collected precludes any geographic breakdown of the information and makes it impossible to measure consumption in important manufacturing subsectors.

The MECS is planned to be conducted once every three years to obtain statistically reliable information from a sample of manufacturing establishments. EIA staff have been working closely with CE staff to resolve any unnecessary duplication that may exist between the two data systems.

II. Current Action

The EIA will conduct the pilot survey with approximately 100 respondents immediately upon notification of clearance from OMB. Participation in this pilot survey will be mandatory for these respondents. The questionnaire and instructions which will be tested are identical to those which are currently being proposed for the full-scale survey except that the pilot survey will collect data for calendar year 1984 and the full-scale survey will collect data for 1985. The pilot survey forms will be sent out and returned by mail. The same procedure is planned for the full-scale study. In addition, all respondents will be debriefed on methodological issues. Based on the results of this pilot survey, the questionnaire and instructions will be further refined, as appropriate. The first full-scale MECS is currently scheduled to be undertaken in 1986.

The pilot survey will not be conducted by the Bureau of the Census and therefore the data will not be afforded the confidentiality protection of title 13 of the U.S. Code. The resulting data will be used only for testing purposes,

however, and for that reason, the EIA has developed a special masking procedure to assure confidentiality of the pilot study data. Respondents will be encouraged to multiply or divide each submitted value by a constant factor known only to them. This procedure will disguise the true values while allowing respondents to the pilot survey to logically work through the questionnaire. Respondents also may elect to claim exemption from public disclosure under the Freedom of Information Act in accordance with the instructions provided on the first page of the questionnaire.

Issued in Washington, D.C., September 5, 1985.

Dr. H. A. Merklein,

Administrator, Energy Information Administration.

GENERAL INSTRUCTIONS FOR THE MANUFACTURING ENERGY CONSUMPTION SURVEY

A. Who Should Report?

This survey is mandatory under the Federal Energy Administration Act of 1974, Pub. L. 93-275. A report is required from each establishment selected for the survey. No substitutions are permitted. Failure to respond may result in criminal fines, civil penalties, and other sanctions as provided by law.

B. When is the report due?

The questionnaire should be returned no later than 30 days after you receive it. Please use the enclosed return envelope. If it has been misplaced, send the questionnaire to: (Address)

C. How Is A Manufacturing Establishment Defined?

A manufacturing establishment is an economic unit at a single physical location where the mechanical or chemical transformation of materials or substances into new products is performed. These operations are generally conducted in facilities described as plants, factories, or mills and characteristically use power driven machines and material-handling equipment. The assembly of components of manufactured products is also considered manufacturing. Also included is the blending of materials such as lubricating oil, plastics, resins, or liquors.

D. Suppose there are two or more establishments at the same physical location. Which should respond?

The establishment named on page 1 of the questionnaire is the selected establishment, and the report should reflect only the activities at the

establishment. If it is not clear which establishment has been selected, call (xxx) xxx-xxxxx for further instructions.

E. What Activities Should Be Included?

Include all activities conducted within the establishment, e.g., manufacturing, fabricating, processing and assembly; maintenance of plant and equipment; receiving, shipping, warehousing and storage; research; recordkeeping; health, safety, cafeteria, and other services.

If an establishment operates as a single economic unit, but produces several lines of products, the report should cover the activities of the entire facility.

F. What Period Should The Report Cover?

Data should be reported for the calendar year 1984. If your records are maintained in a fiscal year basis which does not coincide with the calendar year, but which ends between November 1 and February 28 inclusive, fiscal year data may be substituted. If your fiscal year ends between March 1 and October 31 inclusive, reasonable estimates for calendar year 1984 data will be acceptable.

If the selected establishment was acquired or sold during 1984, the report data should cover the period of operation by your company only.

G. May Estimates Be Provided Rather Than Actual Data?

Actual data should be provided when available and obtainable. In the event that such records are not maintained or are not readily available, reasonable estimates may be substituted.

Instructions for Section I

General Instructions

Energy sources used in manufacturing can be divided into two groups: combustible (capable of being burned) and non-combustible. The purpose of Section I is to follow combustible sources from their acquisition or production by this establishment through their use and/or final disposition. Therefore, Section I is designed as a throughput table, with energy sources listed in the column headings. Throughput questions are listed along the side, and are designed to be answered from top to bottom for each energy source. Note that the noncombustible sources (electricity, steam, hot water, chilled water, and hot air) should not appear in Section I, but should be accounted for in Section II.

Combustible energy sources consist of:

- (1) Natural and transformed materials commonly used as sources of heat and power that are ordinarily brought on site or specifically produced on site, and
- (2) Various combustible byproducts materials left over from manufacturing processes designed to produce other products.

Energy sources in the former group include (with units of measure following):

- Natural gas (Thousand cubic feet-MCF)
- Coal [Bituminous, Anthracite, Lignite] (Short Tons)
- Coal coke (Short Tons)
- Crude Oil (Thousand barrels)
- Gasoline (Thousand gallons)
- Distillate Oil (Thousand gallons)
- Residual Oil (Thousand gallons)
- Propane, Butane, LPG (Thousand pounds)
- Petroleum Coke (Thousand barrels)
- Roundwood; that is, wood cut specifically for use as a fuel (Short Tons)

Any of these sources that were at the establishment site at any time during 1984 should be accounted for in the matrix, even if none was used as a fuel on site.

Byproduct energy sources include:

- Blast furnace gas (Million Btu-MMBtu)
- Refinery offgas (MMBtu)
- Coke over gas (NNBtu)
- Hydrogen (MMBtu)
- Other waste gases (MMBtu)
- Wood chips, bark, and wood waste (MMBtu), 50 percent moisture basis.
- Pulping/Black liquor (short tons, bone dry basis).
- Waste oils and tars (MMBtu).

There are a multitude of byproducts that arise from manufacturing processes, many of which are not intended, or even suited for use as energy sources. For that reason, a byproduct should be accounted for in section I only if some or all of it was used as a fuel on the establishment site during 1985.

Byproducts that were not used as a fuel should be treated as manufactured products and not be reported in this survey.

After determining which energy sources should be included in Section I, set up a separate column for each source, with the energy source name, the units used for reporting, and the Btu content, entered in the header. The units of measure given above should be used if possible; if you use a different unit of measure and no straightforward conversion is possible, enter your units of measure. If you know the average Btu content of your energy sources, enter them in the space provided. (This

measure is especially importation for coal). Use continuation sheets if more columns are needed. Section I is designed for you to answer all questions for one energy source before proceeding to another. Where actual data for unavailable, carefully prepared estimates will suffice.

Specific Instructions

Item 1—Report working, beginning-of-year inventory, i.e. exclude tank bottoms. Include inventory owned by this establishment and stored offsite. Do not report inventories on site which are not owned by this establishment.

Item 2a—Amounts should include 1983 purchases not delivered until 1984. Exclude 1984 purchases not delivered until 1985.

Item 2b—Include in the cost all taxes and delivery charges.

Item 3—Self-Explanatory.

Item 4—All coal, oil, or gas produced from captive mines and wells should be reported. Captive mines and wells are those which are physically located on this establishment site. Do not report these quantities as transferred inputs from Item 3, even if the establishment's accounting methods show a transfer.

Byproduct energy sources should only be reported if some or all was used as a fuel on site during 1984. For those byproduct fuels, total production should be reported here, not just fuel use. Feedstock use and dispositions of these sources should be reported in their places.

Item 5—Self-Explanatory.

Item 6—Report the quantity of each energy source which was used as a feedstock, raw material, ingredient or additive. Report the total quantity, even if a byproduct resulting from processing was later used as a fuel on this site. That is, do not try to "net out" byproduct energy source production or fuel use. For example, the quantity of coal used to produce coke on site should be reported here, even though the coke may be reported as a byproduct in another column.

Item 7—Include all sales and transfers, whether to a utility, another non-utility company, or another establishment of your company.

Item 8—Same instructions as item 1, applied to end-of-year inventory.

Item 9—Self-Explanatory.

Item 10—Self-Explanatory.

Item 11—Report working capacity for tank storage, that is, the difference in volume between the maximum safe fill capacity and the quantity below which pump suction is ineffective (bottoms). Report all working capacity at this establishment, including capacity currently dedicated to storage of energy

sources belonging to other establishments. Exclude any leased tankage at other establishments. Any tanks dedicated to storage that were undergoing routine cleaning, maintenance, inspection, or repair as of the end of 1984, and which were intended to return to service afterward, should be included in capacity estimates. Tanks that were unusable, filled with waste products or some other substance, or that were empty and in the process of being replaced by new storage equipment, should be excluded from capacity estimates. If storage capacity is not well-defined by physical limitations (such as coal storage in a large open field), report capacity as "N/A" (Not applicable).

Instructions for Section II

General Instructions

Section II is a counterpart of the throughput structure in Section I, adapted to the two most common non-combustible energy sources, electricity and steam. Other non-combustible energy sources, such as hot water, chilled water, or hot air can be included by using or duplicating the steam subsection, with "hot water", "chilled water", or "hot air" substituted for "steam" everywhere it occurs.

Specific Instructions—Electricity

Item 1—The amount of purchased electricity should include quantities paid for before 1984, but not delivered until 1984. It should exclude any electricity purchased in 1984 but not delivered until 1985. Cost should include all taxes and system charges.

Item 2—Record all other inputs of electricity from outside the establishment that were not reported in item 1.

Item 3—For purposes of this item, electrical cogeneration is defined as the production of electric energy and another form of useful energy (such as heat or steam) through the sequential use of energy. Report electricity cogenerated from all energy sources, including renewable sources.

Item 4—Report all electricity generated directly from renewable sources. Any produced as part of a cogeneration process should be reported in item 3. Electricity generated from geothermal steam which is then itself used, should be included in item 3.

Item 5—Self-explanatory.

Item 6—For purposes of this item, utilities are companies that are engaged primarily in producing and/or delivering electricity.

Item 7—Report all dispositions of electricity not covered in item 6.

Specific Instructions—Steam

Item 1—The amount of purchased steam should include quantities paid for before 1984, but not delivered until 1984. It should exclude steam purchased in 1984 but not delivered until 1985. Cost should include taxes and system charges.

Item 2—Report all quantities of steam brought in from outside the establishment other than that reported in item 1.

Item 3—Self-Explanatory.

Item 4—Self-Explanatory.

Instructions for Section III

General Instructions

The purpose of this section is to provide estimates of your establishment's capability under emergency conditions to replace crude oil, residual oil and distillate oil with other energy sources while maintaining your current production schedule. All replacement amounts entered in this section should be based on the production schedule and average daily oil consumption at your establishment during the week of October 6 through October 12, 1985.

Two sets of replacement numbers are requested, the amount that could be replaced in 7 calendar days and the amount that could be replaced in 90 calendar days. Seven-day switching capability should only include replacement of oil via minor adjustments (maintenance adjustments, routine installations of equipment already available on site, or change in operating mix) to equipment or processes currently in use or available for use. Ninety-day switching capability includes that capability, and also includes switching that could take place as a result of significant capital investment or major engineering modifications to existing equipment or processes. This could include, for example, retrofitting existing boilers to use another fuel or to create multi-fuel capability; it would not include the replacement of complete boiler installations.

Only oil products used as fuel should be considered in estimating fuel switching. In many cases, switching capability will not be a fixed or measured quantity. Thus, your best estimate is an acceptable response.

Specific Instructions

Item 1—Report the amount of oil, in gallons per day, that could be switched to one or more other fuels. Exclude from that amount any quantities for which the capability to switch is prevented by

legal, environmental, or regulatory constraints on the alternate fuel(s). Some constraints that would prevent switching in 7 days might not prevent switching within 90 days if appropriate engineering modifications could be made.

Item 2—Enter the amount of oil products in Item 1 that could be replaced by each individual alternate fuel shown, taking account of the same constraints that affected the overall quantity. Each entry must be less than or equal to the corresponding amount reported in Item 1, but the sum of all

capabilities for alternate fuels must be at least as large as the amount in Item 1. The sum may be larger if some switching capability is to more than one alternate fuel.

Item 3—Report the additional amount of oil, over and above the amount reported in Item 1, that could be switched to one or more other fuels assuming that all legal, environmental, and regulatory constraints on the use of the alternate fuels were temporarily suspended. The sum of Item 1 and Item 3 must not exceed the total amount of fuel use of oil products reported in Section 1.

Item 4—Enter a number beside each reason that represents a constraint against switching from oil to one or more alternate fuels. Rank order the reasons, with "1" representing the constraint that explains the largest proportion of value in Item 3. If the rank order is different for 7-day than for 90-day capability, determine the amount of capability constrained by each reason for both reference periods, add the two values for each reason, and rank the reasons on the basis of the sum.

BILLING CODE 6450-01-M



UNITED STATES
DEPARTMENT OF ENERGY
ENERGY INFORMATION ADMINISTRATION

1985 Manufacturing Energy
Consumption Survey

FORM APPROVED
OMB NUMBER

This report is mandatory under the Federal Energy Administration Act of 1974, P.L. 93-273. Failure to respond may result in criminal fines, civil penalties and other sanctions as provided by law.

The information reported on these forms may be (1) exempt from disclosure to the public under the exemption for trade secrets and confidential commercial information specified in the Freedom of Information Act, 5 U.S.C. 552 (b) (4) (FOIA), or (2) prohibited from public release by 18 U.S.C. 1905. However, before the determination can be made that particular information is within the coverage of either of these statutory provisions, the person submitting the information must make a showing, satisfactory to the Department of Energy, concerning its confidential nature. Therefore, respondents wishing to claim such an exemption must label specifically (on an element by element basis, if possible) in a letter accompanying submission of this form, why they consider the information concerned to be a trade secret or other proprietary information, whether such information is customarily treated as confidential information by those companies and the industry, and the type of competitive harm that would result from disclosure of the information. In accordance with the provisions of 10 CFR 100.4.11, DOE's Freedom of Information Act Regulations, DOE will determine whether the information submitted should be withheld from public disclosure if DOE receives the responses but does not receive a request with substantive justification that the information submitted should not be released to the public. DOE may assume that the respondent does not object to disclosure to the public of any information submitted by it on the forms.

1. Name and physical location of establishment.

NAME

NUMBER AND STREET

CITY, TOWN, VILLAGE, ETC.

COUNTY

STATE

Zip

MAIL LABEL

(Please correct any error in name and mail address on label, enclosing ZIP Code.)

SECTION I - QUANTITIES OF ENERGY SOURCES

INSTRUCTIONS:	COPY FROM INSTRUCTIONS				
	ENERGY SOURCE ONE	ENERGY SOURCE TWO	ENERGY SOURCE THREE	ENERGY SOURCE FOUR	ENERGY SOURCE FIVE
1. For each energy source checked in the instructions, set up a separate column heading in Section I by copying the name and units of measurement exactly as shown. Ignore any unused columns.	Name: _____	Name: _____	Name: _____	Name: _____	Name: _____
2. Enter the average Btu content per unit of measurement for coal and "other energy sources" if used.	Units used for reporting: _____	Units used for reporting: _____	Units used for reporting: _____	Units used for reporting: _____	Units used for reporting: _____
3. If more than 5 columns are needed, use extra sheets.	Btu's per unit: _____	Btu's per unit: _____	Btu's per unit: _____	Btu's per unit: _____	Btu's per unit: _____
4. Enter a quantity of zero wherever a question does not apply to a given energy source.	Quantity: _____	Quantity: _____	Quantity: _____	Quantity: _____	Quantity: _____
5. If recorded values are not readily available, carefully prepared estimates may be used.	Quantity: _____	Quantity: _____	Quantity: _____	Quantity: _____	Quantity: _____
ENERGY SOURCE INPUTS TO THE ESTABLISHMENT SITE (Questions 1 through 3)					
1. How much of the energy source, named in the column heading, was in the INVENTORY of this establishment at the end of calendar year 1983?	Quantity: _____	Quantity: _____	Quantity: _____	Quantity: _____	Quantity: _____
2a. During 1984, how much of this energy source was PURCHASED from utilities, dealers, or other firms, and delivered to the establishment?	Quantity: _____	Quantity: _____	Quantity: _____	Quantity: _____	Quantity: _____
2b. What was the total cost, including delivery charges, of this purchased energy source in 1984?	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
3. During 1984, how much of this energy source was TRANSFERRED from outside establishments and delivered to this establishment? (Do not include the purchases recorded in ITEM 2a)	Quantity: _____	Quantity: _____	Quantity: _____	Quantity: _____	Quantity: _____
6. PRODUCED ON SITE					
4. During 1984, how much of this energy source was PRODUCED ON SITE at this establishment from captive mines or wells or as a result of the use of feedstocks, raw materials, ingredients, or additives to a product (e.g., wood chips, products and by-products of chemical processes)? INCLUDE ONLY THOSE ENERGY SOURCES THAT WERE USED AS FUELS ON THIS SITE IN 1984.	Quantity: _____	Quantity: _____	Quantity: _____	Quantity: _____	Quantity: _____
7. SUM OF ENERGY SOURCE INPUTS AND PRODUCTION					
5. Enter the sum of ITEMS 1, 2a, 3, & 4.	Quantity: _____	Quantity: _____	Quantity: _____	Quantity: _____	Quantity: _____
INSTRUCTIONS FOR SECTION I, PAGE 2:	COPY FROM INSTRUCTIONS				
	ENERGY SOURCE ONE	ENERGY SOURCE TWO	ENERGY SOURCE THREE	ENERGY SOURCE FOUR	ENERGY SOURCE FIVE
1. Transfer the energy source name and units used for reporting from Section I, page 1 to the corresponding columns on this page and continue with question 6 below.	Name: _____	Name: _____	Name: _____	Name: _____	Name: _____
2. Enter the average Btu content per unit of measurement for coal and "other energy sources" if used.	Units used for reporting: _____	Units used for reporting: _____	Units used for reporting: _____	Units used for reporting: _____	Units used for reporting: _____
3. If more than 5 columns are needed, use extra sheets.	Btu's per unit: _____	Btu's per unit: _____	Btu's per unit: _____	Btu's per unit: _____	Btu's per unit: _____
4. Enter a quantity of zero wherever a question does not apply to a given energy source.	Quantity: _____	Quantity: _____	Quantity: _____	Quantity: _____	Quantity: _____
5. If recorded values are not available, carefully prepared estimates may be used.	Quantity: _____	Quantity: _____	Quantity: _____	Quantity: _____	Quantity: _____
6. ON SITE USE OF FEEDSTOCKS					
6. During 1984, how much of this energy source was used onsite as a feedstock, raw material, ingredient, or additive to a product (e.g., coal for coking, petrochemical feedstocks)?	Quantity: _____	Quantity: _____	Quantity: _____	Quantity: _____	Quantity: _____
7. DISPOSITION OF ENERGY SOURCES (Questions 7 through 10)					
7. During 1984, how much of this energy source was TRANSFERRED OR SOLD to other establishments? Include ALL establishments, whether or not they are part of the same corporation as this establishment.	Quantity: _____	Quantity: _____	Quantity: _____	Quantity: _____	Quantity: _____
8. How much of this energy source was in the INVENTORY of this establishment at the end of calendar year 1984?	Quantity: _____	Quantity: _____	Quantity: _____	Quantity: _____	Quantity: _____
9. TOTAL FEEDSTOCK USE AND DISPOSITIONS					
9. Enter the sum of ITEMS 6, 7, and 8.	Quantity: _____	Quantity: _____	Quantity: _____	Quantity: _____	Quantity: _____
10. TOTAL CONSUMPTION OF PRIMARY ENERGY SOURCES					
10. Subtract ITEM 9 from ITEM 5. Enter Amount	Quantity: _____	Quantity: _____	Quantity: _____	Quantity: _____	Quantity: _____
11. TOTAL STORAGE CAPACITY					
11. What was the TOTAL STORAGE CAPACITY for this energy source at this establishment at the end of calendar year 1984?	Quantity: _____	Quantity: _____	Quantity: _____	Quantity: _____	Quantity: _____

SECTION II - NON-RENEWABLE ENERGY SOURCES

Electricity

- 1a. During 1984, how much electricity was purchased from utilities or other firms, and delivered to the establishment?
- 1b. What was the total cost of this purchased electricity?
2. During 1984, how much electricity was transferred from outside establishments and delivered to the establishment? Do not include the purchases recorded in ITEM 1a.
3. During 1984, how much electricity was generated onsite by cogeneration?
4. During 1984, how much electricity was generated onsite from renewable sources?
 - a. from Solar
 - b. from wind
 - c. from other renewable sources
5. During 1984, how much electricity was generated onsite by conventional generation and other processes besides cogeneration or renewable sources?
6. During 1984, how much electricity was sold to utilities? Include both sales and transfers for credit.
7. During 1984, how much electricity was transferred to other establishments? Do not include amounts reported in ITEM 6.

Steam

- 1a. During 1984, how much steam was purchased from utilities, dealers, or other firms, and delivered to the establishment?
- 1b. What was the total cost of this purchased steam?
2. During 1984, how much steam was transferred from outside establishments and delivered to the establishment? Do not include the purchases recorded in ITEM 1a.
3. During 1984, how much steam was generated onsite from renewable sources?
 - a. from Solar
 - b. from other renewable sources
4. During 1984, how much steam was sold or transferred to another establishment?

SECTION III: FUEL SWITCHING FROM CRUDE OIL OR OIL PRODUCTS

This section deals with your ability to respond to an energy crisis. Its purpose is to determine how much crude oil or oil products your establishment could back out of in the event of a sudden interruption of crude oil and product supplies. If your establishment has multiple-fuel capabilities, indicate the additional volumes of crude oil or oil products that you could eliminate under operating conditions as you had them over the last week. The 7-day switching capability is meant to give an estimate of your ability to switch out of oil by making use of currently unused multiple-fuel capabilities through minor adjustments in your physical plant. The 90-day capability is meant to capture the maximum fuel-switching ability that you could achieve within the indicated time period, if you made substantial capital investments under an emergency scenario.

	7-day capability in gallons/ day	90-day capability in gallons/ day
(1) If the crude oil, residual oil and distillate oil currently consumed, what is the maximum amount that could be replaced by alternate fuels, given current legal and regulatory constraints?	_____	_____
(2) How many gallons of oil in (1) could be replaced by: coal..... natural gas..... other fuel (Specify) _____	_____	_____
(3) If there were no legal or regulatory constraints, how much additional crude oil or oil products could you switch out of in a crisis?	_____	_____

Quantity: _____ Megawatt-hours

S _____

Quantity: _____ Megawatt-hours

Quantity: _____ Megawatt-hours

Quantity: _____ Megawatt-hours

Quantity: _____ Megawatt-hours

Quantity: _____ Megawatt-hours

Quantity: _____ Megawatt-hours

Quantity: _____ Megawatt-hours

Quantity: _____ million Btus

S _____

Quantity: _____ million Btus

Quantity: _____ million Btus

Quantity: _____ million Btus

Quantity: _____ million Btus

- (4) On the list shown below, numerically rank the constraints that restrict your fuel switching capability, designating the largest volumetric constraint by the number 1.

- ☐ Federal government environmental restriction.
- ☐ State/Local government environmental restriction.
- ☐ Binding contract in place.
- ☐ Restrictions under the Powerplant and Industrial Fuel Use Act of 1976.
- ☐ Other (specify):

SECTION IV - CERTIFICATION

CERTIFICATION - This report is substantially accurate and has been prepared in accordance with instructions.					
Name of person to contact regarding this report		Telephone----	Area code	Number	Extension
Name of company		Address (number and street, city, State, ZIP code)			
Period covered----	From Mo. / Day / Year	To Mo. / Day / Year	Signature of authorized person		Title Date

[FR Doc. 85-21673 Filed 9-10-85; 8:45 am]

BILLING CODE 5450-01-C

Federal Energy Regulatory Commission

[Docket No. GT85-22-000]

Proposed Changes in FERC Gas Tariff; ANR Pipeline Co.

September 4, 1985.

Take notice that on August 30, 1985, ANR Pipeline Company ("ANR") tendered for filing Original Sheet Nos. 1 through 1817 to its F.E.R.C. Gas Tariff, Original Volume No. 2 to be effective October 1, 1985. ANR states that the sole purpose of this filing is to reflect its new corporate name in lieu of its former name, Michigan Wisconsin Pipe Line Company, as fully more described by the Federal Energy Regulatory Commission's Notice of Redesignation issued on May 26, 1984.

ANR further states that copies of this filing were served upon its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or to protest with the Federal Energy Regulatory Commission, 825 North Capitol St., NE., Washington, D.C. 20426, in accordance with Rule 211 or Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 12, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-21653 Filed 9-10-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA85-1-31-000, 001]

Filing of Revised Tariff Sheets Reflecting Tariff Adjustment; Arkla Energy Resources

September 4, 1985.

Take notice that on August 30, 1985 Arkla Energy Resources (AER), a division of Arkla, Inc., tendered for filing the following tariff sheets:

Rate schedule G-2	Rate schedule X-26
40th Revised Sheet No. 4	39th Revised Sheet No. 185.
12th Revised Sheet No. 4A	12th Revised Sheet No. 185A.

AER states that the purpose of the above described tariff sheets is to (1)

reflect the average projected cost of purchased gas for the six-month period commencing October 1, 1985; (2) recover or refund accumulated deferred purchased gas costs as of June 30, 1985; (3) set forth the reduced PGA and estimated incremental pricing surcharges to be billed during the PGA period and, (4) refund accumulated deferred transportation revenue as of June 30, 1985.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 12, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-21655 Filed 9-10-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ID-1894-003, ID-2178-001, ID-2180-001]

Application; Atlantic City Electric Co.

September 5, 1985.

Take notice that on August 15, 1985, Atlantic City Electric Company tendered for filing Supplemental Applications regarding the holding of positions by L.E. Cooper, J.D. McCann and J.G. Salomone in Atlantic City Electric Company and Deepwater Operating Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 16, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-21654 Filed 9-10-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER85-706-000, etc.]

Boston Edison Co. et al; Electric Rate and Corporate Regulation Filings

August 30, 1985.

Take notice that the following filings have been made with the Commission.

1. Boston Edison Company

[Docket No. ER85-706-000]

Take notice that Boston Edison Company on August 22, 1985, tendered for filing rate schedule supplements to its all-requirements rate schedules Nos. 47 and 51 for service to the Towns of Concord and Wellesley, Massachusetts to allow it to credit those two Towns for their receipt of energy provided by the New York Power Authority. The Company asks that the rate schedule supplements be made effective as of July 1, 1985.

Copies of the filing have been served upon the two Towns, the Massachusetts Municipal Wholesale Electric Company and the Massachusetts Department of Public Utilities.

Comment date: September 11, 1985, in accordance with Standard Paragraph E at the end of this notice.

2. Western Massachusetts Electric Company

[Docket No. ER85-707-000]

Take notice that Western Massachusetts Electric Company ("WMECO") on August 23, 1985, tendered for filing an amendment to its Resale Service Rate CD-1 with the City of Westfield, Massachusetts Gas and Electric Department ("Westfield"). In addition, take notice that WMECO also tendered for filing an amendment to its Rate Schedule 2 under which it presently provides firm wholesale electric service to Chester, Massachusetts Municipal Electric Light Department; Russell, Massachusetts Municipal Light Department; Fletcher Electric Light Company, Massachusetts Electric Company, and New York State Electric Gas Corporation (collectively the "Tariff customers").

WMECO states that the proposed rate schedule amendments are required because of the higher level of costs to be incurred by it due to the expected commercial operation on or about May 1, 1986 of the Millstone Unit 3 nuclear

generating station in Waterford, Connecticut.

WMECO proposes an effective date of October 23, 1985 (60 days after filing) for both of rate schedule changes. However, in order to synchronize the effectiveness of the filed changes with the expected commercial operation of Millstone Unit 3 on or about May 1, 1986, the Companies request that the effectiveness of both filings be suspended until the later of a five-month suspension beyond the requested effective date or the commercial operation of Millstone Unit 3.

WMECO states that the proposed increases to Westfield and the Tariff Customers would increase total revenues from jurisdictional sales and service by \$2,446,652 based on the 12 month period ending December 31, 1986 (Period II). After taking into account anticipated fuel savings which will result from replacing fossil-fired generation with nuclear-powered generation when Millstone Unit 3 enters commercial operation, the total revenue increases during Period II are estimated by WMECO to be \$1,880,192 or 30.0 percent.

The Companies state that copies of the filings were served upon the affected customers and the Department of Public Utilities of Massachusetts and the Department of Public Utility Control of Connecticut.

Comment date: September 11, 1985, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-21632 Filed 9-10-85; 8:45 am]

BILLING CODE 5717-01

[Docket Nos. CP77-8-006, etc.]

Columbia Gulf Transmission Co. et al.; Natural Gas Certificate Filings

September 4, 1985.

Take notice that the following filings have been made with the Commission.

1. Columbia Gulf Transmission Company

[Docket No. CP77-8-006]

Take notice that on August 14, 1985, Columbia Gulf Transmission Company (Petitioner), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP77-8-006 a petition to amend the order issued May 6, 1977, as amended, in Docket No. CP77-8, pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of gas which Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), would acquire from Southland Royalty, et al. (Southland), in Vermilion Area Block 88, offshore Louisiana, and an additional receipt point, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that Petitioner is authorized to transport for Northern a contract demand volume of 130,000 Mcf of natural gas per day from a receipt point in Vermilion Area Block 245 through the Blue Water Project to a delivery point near Egan, Louisiana, pursuant to a transportation agreement dated September 3, 1976 (agreement).

Petitioner requests authority, pursuant to an amendment to the agreement dated April 4, 1985, to transport, as part of the currently authorized contract demand volumes, natural gas which Northern would acquire from Southland. It is indicated that Northern would deliver such gas to Petitioner at a sub-sea side tap in Vermilion Area Block 76. Petitioner requests that this tap be authorized as an additional receipt point.

Comment date: September 25, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

2. Columbia Gulf Transmission Company

[Docket No. CP85-770-000]

Take notice that on August 9, 1985, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP85-770-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Texas Gas Transmission Corporation (Texas Gas),

all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport, on a best-efforts, interruptible basis, up to 8,000 Mcf of natural gas per day of Texas Gas' gas produced from South Marsh Island Block 160 and Eugene Island Blocks 330 and 337, offshore Louisiana, as well as any excess volumes Applicant, at the request of Texas Gas, may agree to transport.

Applicant states that it would transport such gas for Texas Gas from the existing interconnection of the facilities of Applicant and Sea Robin Pipeline Company in Vermilion Parish, Louisiana, and would redeliver equivalent volumes to Texas Gas at an interconnection of the facilities of Applicant and Texas Gas at the terminus of the Blue Water Project near Egan, Acadia Parish, Louisiana.

Texas Gas, it is said, would pay Applicant a charge of 6.6 cents per Mcf of gas received for transportation at the point of receipt. It is said further that the transportation would continue for a period of seven years from the date of initial delivery and yearly thereafter unless terminated by either party.

Comment date: September 25, 1985, in accordance with Standard Paragraph F at the end of this notice.

3. Mississippi River Transmission Corporation

[Docket No. CP85-780-000]

Take notice that on August 14, 1985, Mississippi River Transmission Corporation (Applicant), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP85-780-000 an application pursuant to section 311(a)(1) of the Natural Gas Policy Act of 1976 and § 284.107 of the Commission's Regulations for authority to provide transportation of natural gas, on an interruptible, best-efforts basis, for Western Gas Corporation (Western Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority to transport up to 10,000 Mcf of natural gas per day for Western Gas on a best-efforts, fully interruptible basis, at Applicant's sole discretion and subject to availability of sufficient capacity in Applicant's system.

Applicant proposes a transportation rate of 6.25 cents per Mcf which rate is designed to recover costs attributable to the service proposed and includes the applicable GRI surcharge. Applicant requests that transportation authority be

granted retroactive to June 12, 1984, the date service commenced on a self-implementing basis. Applicant asserts that the term of the service would be four years from that date.

Applicant would receive Western Gas' gas at the inlet of Applicant's existing facilities located at the outlet of the Woodlawn field processing plant of Dorchester Gas Producing Company in Harrison County, Texas. Applicant would redeliver or cause to be redelivered equivalent volumes of gas for Western Gas' account at the interconnection of the facilities of Applicant and Natural Gas Pipeline Company of America also located in Harrison County, Texas.

Comment date: September 25, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

4. Northern Natural Gas Company, Division of InterNorth, Inc.

[Docket Nos. CP68-75-013 and CP68-75-014]

Take notice that on August 16, 1985, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket Nos. CP68-75-013 and CP68-75-014 petitions to amend the order issued May 10, 1986, in Docket No. CP68-75, as amended, pursuant to section 7(c) of the Natural Gas Act so as to authorize an additional delivery point for the exchange of natural gas with Phillips Petroleum Company (Phillips) and to establish an area of interest under the exchange wherein additional delivery points would automatically be added and deleted, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

In Docket No. CP68-75-013, Northern proposes to establish an additional delivery point at the wellhead facilities of Phillips' Bernice No. 2 well and Phillips' gathering system in Ochiltree County, Texas, in accordance with an amendment to the Gray County gas exchange agreement, dated May 2, 1985.

In Docket No. CP68-75-014, Northern proposes to establish a specified area of interest wherein Northern would automatically add and/or delete delivery points under the exchange with Phillips in accordance with an amendment to the Gray County gas exchange agreement, dated June 1, 1985. It is stated that the area of interest would include Beaver, Custer, Dewey, Ellis, Harper, Major, Roger Mills and Woodward Counties, Oklahoma, and Carson, Gray, Hansford, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Roberts, Sherman and

Wheeler Counties, Texas. Northern states that it would file annual reports pursuant to Part 154 of the Regulations appropriately revising its FERC Gas Tariff, Rate Schedule X-18 to reflect all additions/deletions which have occurred during the preceding year.

Comment date: September 25, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this Notice.

5. Texas Eastern Transmission Corporation

[Docket No. CP85-781-000]

Take notice that on August 15, 1985, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP85-781-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Southern Natural Gas Company (Southern), all as more fully set forth in the application which is on file with the Commission and open to the public inspection.

Pursuant to a transportation agreement between applicant and Southern dated July 18, 1984, Applicant states it has agreed to transport up to 1,500 dt equivalent of natural gas per day on behalf of Southern. Applicant states that Southern has gas supplies available in West Cameron Block 253, offshore Louisiana, which it desires to have transported and delivered for its account to Trunkline Gas Company (Trunkline), onshore Louisiana. Applicant explains that it would receive gas from Southern at an existing interconnection on Applicant's West Cameron System in West Cameron Block 250, offshore Louisiana, up to 1,500 dt equivalent of natural gas per day and then transport and redeliver equivalent quantities for the account of Southern to Trunkline at existing interconnections located onshore Louisiana in Beauregard and Allen Parishes, Louisiana, for further transport to Southern.

Applicant explains further that it would charge Southern a monthly charge of \$10,566.75 and would reduce the quantity of gas received for transport for applicable shrinkage, for gas used or consumed as fuel or lost by shrinkage due to processing of the gas for the extraction of liquifiable hydrocarbons if such gas is processed. In addition, Applicant states that it would charge Southern an amount equivalent to the product of 23.16 cents per dt and the sum of

(1) the quantity of excess gas received by Applicant in said month if such gas in excess of the contract quantity was scheduled to be received by Applicant, plus

(2) the quantity of gas received by Applicant on any day in said month which is in excess of 102 percent of the contract quantity if such gas in excess was received by Applicant due to Applicant's inability to maintain precise control of receipts, plus

(3) the quantity of gas received by Applicant in said month which is in excess of the sum of (a) the contract quantity multiplied by number of days in such month, and (b) the sum of items (1) and (2) for all applicable days of said month, less

(4) the dt equivalent of the liquefiables extracted, if any, associated with gas transported in said month.

Comment date: September 25, 1985, in accordance with Standard Paragraph F at the end of this notice.

6. Columbia Gas Transmission Corporation, Columbia Gulf Transmission Company

[Docket No. CP85-785-000]

Take notice that on August 15, 1985, Columbia Gas Transmission Corporation (Columbia Gas), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and Columbia Gulf Transmission Company (Columbia Gulf), 3805 West Alabama Avenue, Houston, Texas 77027 (referred to jointly as Columbia), filed in Docket No. CP85-785-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Bethlehem Steel Corporation (Bethlehem Steel) for use as boiler fuel under the certificates issued in Docket Nos. CP83-76-000 and CP83-496-000, respectively, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Columbia proposes to transport up to 0.950 billion Btu equivalent of natural gas per day for Bethlehem Steel's Homer Research Laboratories plant and up to 150 million Btu equivalent of natural gas per day for Bethlehem Steel's Central Heating and Refrigerating Building plant, through October 31, 1985, on an interruptible basis. Columbia states that the gas to be transported would be purchased from Northern Gas Marketing, Inc. (NGM), and Hadson Gas Systems, Inc. (Hadson). The transportation agreement specifies the points of receipt by Columbia Gulf and the point of redelivery by Columbia

Transmission to UGI Corporation (UGI), the distribution company serving Bethlehem Steel.

Columbia Gulf states that it would charge one of the rates in its Rate Schedule T-2 for its transportation service: offshore to Kentucky—23.92 cents per dt equivalent of natural gas delivered and retain 1.69 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas; lateral onshore to Kentucky—14.28 cents per dt equivalent of gas and retain 1.50 percent; Rayne, Louisiana, to Kentucky—12.76 cents per dt equivalent of gas and retain 1.50 percent; and Corinth, Mississippi, to Kentucky—6.38 cents per dt equivalent of gas and retain 0.75 percent.

Columbia Transmission states that it would charge one of the rates in its Rate Schedule TS-1 for its transportation service: gas received from Columbia Gulf at Leach, Kentucky—21.16 cents per dt equivalent and gas received from Columbia Gulf at receipt points other than Leach, Kentucky—29.93 cents per dt equivalent provided the volumes are within UGI's total daily entitlements (TDE). However, Columbia Transmission states it would charge 32.50 cents per dt equivalent for gas it receives from Columbia Gulf at Leach, Kentucky, and 41.27 cents per dt equivalent for gas received from receipt points other than Leach, Kentucky, if the volumes are in excess of UGI's TDE's. Columbia Transmission further states it would retain 2.43 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas. In addition, Columbia Transmission states it would collect the General R&D Funding Unit of the Gas Research Institute for all quantities transported under the transportation arrangement.

Columbia also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by the end-user. The flexible authority requested applies only to points related to sources of gas supply, not to delivery points in the market area. Columbia would file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

Comment date: October 21, 1985, in accordance with Standard Paragraph G at the end of this notice.

7. Columbia Gas Transmission Corporation

[Docket No. CP85-795-000]

Take notice that on August 19, 1985, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP85-795-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Empire Detroit Steel, Division of Cyclops Corporation (Empire Detroit), under the certificate issued in Docket No. CP83-76-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Columbia proposes to transport up to 7.5 billion Btu equivalent of natural gas per day for Empire Detroit through October 31, 1985. Columbia states that the gas to be transported would be purchased from Ohio Gas Marketing Corporation (OGM) and would be used as process gas and boiler fuel in Empire Detroit's Mansfield, Ohio, plant.

It is indicated that Empire Detroit has made arrangements to purchase this gas from OGM. Columbia states that it would receive the gas from OGM and redeliver the gas to Columbia Gas of Ohio, Inc. (COH), the distribution company serving Empire Detroit, near Mansfield, Ohio.

Columbia states that it would charge one of the rates in its Rate Schedule TS-1 for its transportation service: gas received from receipt points other than Leach, Kentucky—29.93 cents per million Btu provided the volumes are within COH's total daily entitlements (TDE). However, Columbia states it would charge 41.27 cents per million Btu of gas received from receipt points other than Leach, Kentucky, if the volumes or in excess of COH's TDE's. Columbia further states it would retain 2.43 percent of the total quantity of gas delivered into its system for company-use and unaccountable-for gas. In addition, Columbia Transmission states it would collect the General R&D Funding Unit of the Gas Research Institute for all quantities transported under the transportation arrangement.

Comment date: October 21, 1985, in accordance with Standard Paragraph G at the end of this notice.

8. Lone Star Gas Company, a Division of ENSERCH Corporation

[Docket No. CP85-800-000]

Taken notice that on August 20, 1985, Lone Star Gas Company, a Division of

ENSERCH Corporation (Lone Star), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP85-800-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate five sales taps and appurtenant facilities to permit direct retail sales of gas to end-users under the certificate issued in Docket Nos. CP83-59-000 and CP83-59-001, as amended in Docket No. CP83-59-002, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Lone Star proposes to construct and operate four sales taps and to sell approximately 100 Mcf of natural gas on an annual basis to each of the following residential customers:

Customer	Location	Line
William Sorrells	McCurrian County, Oklahoma	E32-3
Ronnie Shelby	Stephens County, Oklahoma	T
Gene Blevins	Cooke County, Texas	G
Richard Stripe	Grayson County, Texas	E10-5

Lone Star also proposes to construct and operate one sales tap and to sell approximately 4,000 Mcf of natural gas on an annual basis to the following commercial customer:

Customer	Location	Line
B.H. & T. Oil Co.	Murray County, Oklahoma	GD1

Lone Star states that the sales to each of these customers will be made at rates approved by the Oklahoma Corporation Commission or the Texas Railroad Commission.

Lone Star asserts that the proposed sales would not have any significant impact on its peak day or annual system operations.

Comment date: October 21, 1985, in accordance with Standard Paragraph G at the end of this notice.

9. National Fuel Gas Supply Corporation

[Docket No. CP85-741-000]

Take notice that on July 26, 1985, National Fuel Gas Supply Corporation (Applicant), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP85-741-000 a notice of the transfer of certain natural gas producing properties or, in the alternative, an application pursuant to section 7(b) of the Natural Gas Act (NGA) for permission and approval to abandon by transfer certain production properties, all as were more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it proposes to transfer certain of its natural gas production properties, appurtenances and the service rendered thereby to its affiliate, Empire Exploration Inc. (Empire). Applicant further states that it does not believe that the transfer requires abandonment authorization pursuant to section 7(b) of the NGA since Empire is concurrently filing an application for a certificate of public convenience and necessity pursuant to section 7(c) of the NGA to continue the identical service in Docket No. CP85-597-000. Applicant asks that the Commission deem its alternative application for abandonment authority moot. To the extent, however, that the Commission determines that abandonment authorization is necessary, Applicant states that the public convenience and necessity permits the abandonment because (1) there would be no change in the service provided to Applicant's customers by virtue of the abandonment; (2) there would be no change in the price of the natural gas Applicant includes in its cost of service; and (3) by consolidating all exploration and production activities in one corporate unit, that unit would be able to continue to serve Applicant and its customers in an economic and reliable manner.

Comment date: September 25, 1985, in accordance with Standard Paragraph F at the end of this notice.

10. Natural Gas Pipeline Company of America

[Docket No. CP85-787-000]

Take notice that on August 16, 1985, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP85-787-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas for General Tire, Inc. (GTI), an industrial end-user of gas, under the certificate issued in Docket No. CP82-402-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Natural proposes to transport natural gas for GTI limited to quantities equivalent to 2.5 billion Btu on a peak day and 700 trillion Btu on an annual basis, pursuant to the terms of a June 27, 1985, gas transportation agreement. Natural avers that approximately 1.5 billion Btu in equivalent volumes of natural gas would be transported on an average day. The application reflects that the subject gas would be purchased

by GTI from MidCon Ventures, Inc., pursuant to a June 25, 1985, contract.

Natural states it would receive the gas at existing inter-connections in (1) Montgomery County, Texas (the Sue-Ann Oil and Gas Company delivery point), (2) Marshall County, Oklahoma (Energy Consultants delivery point) and (3) Washita County, Oklahoma (Mustang Fuel Corporation delivery point) for transportation and delivery to Illinois Power Company (the local distributor) near Natural's compressor station 310 (Centralia) in Clinton County, Illinois, and for ultimate redelivery to GTI. It is stated that GTI would use 99 percent of the gas as boiler fuel and 1 percent of the gas for space heating in its Mt. Vernon, Illinois, plant.

Natural proposes initially to charge rates of 26.0 cents, 20.5 cents and 21.1 cents per dt equivalent to gas volumes transported from the respective above-mentioned delivery points. Additionally, Natural states it would charge the Gas Research Institute's surcharge funding unit per dt (currently 1.21 cents per dt). Also, thermally equivalent volumes of 9.4 percent, 8.2 percent and 2.2 percent would be deducted for volumes transported from each of the respective delivery points, for compressor fuel, it is explained.

Natural also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by the end-user. The flexible authority requested applies only to points related to sources of gas supply, not to delivery points in the market area. Natural would file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

Natural advises that the transportation service commenced on July 3, 1985, as reported in Docket No. ST85-1474, for a 120-day period terminating October 31, 1985, which also is the date regulatory authorization under § 157.209(e) is scheduled to terminate. Natural requests that this transportation service be permitted to continue until the GTI transportation agreement terminates on its own accord in two years (July 3, 1987), in the event the Commission's Regulations are amended to allow such continuation of service.

Comment date: October 21, 1985, in accordance with Standard Paragraph G at the end of this notice.

11. Northern Natural Gas Company, Division of InterNorth, Inc.

[Docket No. CP85-807-000]

Take notice that on August 21, 1985, Northern Natural Gas Company, Division of InterNorth, Inc., [Applicant], 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP85-807-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an interruptible transportation of natural gas for Bethlehem Steel Corporation (Bethlehem), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport 25,000 Mcf of natural gas per day and more if requested by Bethlehem, and if the Applicant's operating conditions so permit. It is explained that the natural gas would be transported pursuant to a transportation agreement dated May 22, 1985. Applicant states that the agreement provides that Applicant would receive natural gas at points in Isanti and Chisago Counties, Minnesota, where the Applicant's facilities interconnect with the facilities of Midwestern Gas Transmission Company and also from Carlton County, Minnesota, where the Applicant's facilities interconnect with the facilities of Great Lakes Gas Transmission Company and transport it to a delivery point at Mills County, Iowa, to Natural Gas Pipeline Company of America for further transportation to Burns Harbor, Indiana.

Applicant states that the term of the proposed transportation is two years from the date of initial delivery.

Applicant further states that Bethlehem will pay Applicant for volumes delivered at Isanti, Chisago, and Carlton delivery points the initial rates of 10.46 cents per Mcf, 9.97 cents per Mcf, and 14.04 cents per Mcf, respectively. It is alleged that no new facilities would be required to provide the proposed transportation service.

Comment date: September 25, 1985, in accordance with Standard Paragraph F at the end of this notice.

12. Northern Natural Gas Company, Division of InterNorth, Inc.

[Docket No. CP85-808-000]

Take notice that on August 21, 1985, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP85-808-000, a request pursuant to § 157.205 of the Regulations under the Natural Gas Act

(18 CFR 157.205) for authorization to modify one delivery point to accommodate increased volumes of natural gas for delivery to North Central Public Service Company (North Central) under the certificate issued in Docket No. CP82-401-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern request authority to modify Spring Lake Park No. 1, a town border station (TBS) located in Anoka County, Minnesota. Northern avers that North Central has informed Northern that the area served by the subject TBS has expanded substantially in recent years, with a subsequent load increase due to additional residential, commercial, and industrial customers. Northern proposes to modify the existing TBS in order to serve the increased requirements of North Central and its customers. Northern explains that such modification would consist of the replacement of the existing meter with two Rockwell AAT30 meters and would effectively double the delivery capability of the TBS. Northern states that the related volumes would remain within the currently authorized firm entitlement which was authorized by the Commission in Docket No. CP82-500-001 on July 29, 1983.

Comment date: October 21, 1985, in accordance with Standard Paragraph G at the end of this notice.

[Docket No. CP85-736-000]

13. Texas Gas Transmission Corporation

Take notice that on July 25, 1985, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP85-736-000 a request, as supplemented on August 14, 1985, pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas for Mississippi Valley Gas Company (Mississippi Valley), as agent for System Fuels, Inc. (System Fuels), under the certificate issued in Docket No. CP82-407-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Texas Gas requests authorization to transport beyond the primary term of 120 days to October 31, 1985, up to 200 billion Btu equivalent of low-priority natural gas per day, on an interruptible basis, for Mississippi Valley/System Fuels for ultimate delivery to System

Fuels at its Gerald Andrus and Delta power plants.

Texas Gas proposes to charge for this service the rate provided in its Rate Schedule TSC 1 for Rate Schedule G sales customers, which is currently 16.26 cents, and the GRI surcharge of 1.25 cents.

Texas Gas indicates that the proposed transportation would be through the use of existing facilities. Texas Gas states that it would transport the gas from the tailgate of the Champlin Petroleum Company plant in Panola County, Texas; and existing interconnection between Texas Gas and Natural Gas Pipeline Company of America in Cameron Parish, Louisiana; an existing point on Texas Gas' 8-inch pipeline in Lafayette Parish, Louisiana; and existing point on Texas Gas's South Bayou Mallet pipeline in Acadia Parish, Louisiana; an existing point of interconnection between Texas Gas and Transcontinental Gas Pipe Line Corporation (Transco) pipeline in Evangeline Parish, Louisiana; and an existing interconnection between Texas Gas and Transco in Acadia Parish, Louisiana, to two existing interconnections between Mississippi Valley and Texas Gas in Washington County, Mississippi, and an existing interconnection in Bolivar County, Mississippi, for further transportation by Mississippi Valley to System Fuels' Gerald Andrus and Delta Power plants.

Texas Gas indicates that the gas would be used for boiler fuel to generate electricity. System Fuels is said to have purchased its gas supplies from TXG Gas Marketing Company in a first sale.

Comment date: October 21, 1985, in accordance with Standard Paragraph G at the end of this notice.

[Docket No. CP85-792-000]

14. Transcontinental Gas Pipe Line Corporation

Take notice that on August 19, 1985, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1396, Houston, Texas 77251, filed in Docket No. CP85-792-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport end-user gas on behalf of Venice Maid Company, Inc. (Venice), under the certificate issued in Docket No. CP82-426-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Transco proposes to transport up to 500 dt equivalent of gas per day for use at Venice's plant in Vineland, New

Jersey (Vineland plant), for a term expiring October 31, 1985. It is stated that the natural gas to be transported would be purchased from Transco Energy Marketing Company and would be used in steam generation. It is indicated that Transco would receive the gas at the tailgate of the Katy Exxon gas plant in Waller County, Texas, and would redeliver on an interruptible basis, equivalent quantities (less quantities retained for compressor fuel and line loss make-up) to existing points of delivery with South Jersey Gas Company (South Jersey). In turn, South Jersey would redeliver such gas to the Vineland Plant.

Transco states that it would charge Venice the currently applicable transportation rate in accordance with its Rate Schedule T-II, FERC Gas Tariff, Second Revised Volume No. 1, which is currently 44.81 cents per dt. In addition, Transco states that it would apply its current transportation policy to the subject transportation which, among other things, requires that Venice periodically provide Transco with affidavits which state that the subject transportation is not displacing sales which Transco would otherwise make under any of its firm sales rate schedules.

Transco also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by Venice. The flexible authority requested applies only to points in the market area. Transco will file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would be obtained to constitute the transportation quantities herein and not to increase those quantities.

Comment date: October 21, 1985, in accordance with Standard Paragraph G at the end of this notice.

[Docket No. CP85-778-000]

16. Williston Basin Interstate Pipeline Company

Take notice that on August 13, 1985, Williston Basin Interstate Pipeline Company (Williston Basin), 304 East Rosser Avenue, Suite 200, Bismarck, North Dakota 58501, filed in Docket No. CP85-778-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate one sales tap and appurtenant facilities under the blanket certificate issued in Docket No. CP82-487-000, *et al.*, pursuant to section 7(c) of the Natural Gas Act, all as more fully

set forth in the request on file with the Commission and open to public inspection.

Williston Basin states that its blanket certificate in Docket No. CP82-487-000, *et al.*, as amended, authorizes Williston to use the prior notice procedure under § 157.205 of the Commission's Regulations in connection with requests to construct and operate on-system sales taps for the purpose of serving new or existing retail customers to the extent permitted under Williston's FERC Gas Tariff. It is further stated that § 157.211(b)(2) of the Regulations is waived as to such requests.

Williston Basin proposes to construct and operate one sales tap and appurtenant facilities on its natural gas transmission system in Williams County, North Dakota, for the delivery of gas to Montana-Dakota Utilities Co. as the distributor for retail sale to Double EE Service, Inc. Williston Basin states the proposed sales tap would be used to deliver up to 2,500 Mcf of natural gas annually to provide fuel for an oil pumping operation. Williston Basin also indicates that the estimated cost for the sales tap would be \$1,000.

Comment date: October 21, 1985, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the

matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,
Secretary.

[FR Doc. 85-21650 Filed 9-10-85; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA86-1-33-000,001]

Notice of Proposed Change in Rate Pursuant to Purchased Gas Cost Adjustments; El Paso Natural Gas Co.

September 4, 1985.

Take notice that on August 30, 1985, El Paso Natural Gas Company ("El Paso") tendered for filing a notice of change in rates for jurisdictional gas service rendered to customers served by its interstate gas transmission system under rate schedules affected by and subject to Section 19, Purchased Gas Cost Adjustment Provision ("PGA"), contained in the General Terms and Conditions of El Paso's FERC Gas Tariff, First Revised Volume No. 1, which section 19 also applies to certain special rate schedules contained in El Paso's FERC Gas Tariff, Third Revised Volume No. 2 and Original Volume No. 2A.

The filing reflects a decrease in the purchased gas cost of \$.0663 per dth and an increase of \$.0132 per dth in the surcharge rate for a net adjustment in El Paso's currently effective sales rates

which is a decrease of \$.0531 per dth attributable to the PGA.

To implement the instant notice of change in rates, El Paso tendered for filing the following revised tariff sheets to its FERC Gas Tariff:

Tariff volume	Tariff sheet
First revised volume No. 1	Sixth revised sheet No. 100; Fifth revised sheet No. 540.
Third revised volume No. 2	Thirty-first revised sheet No. 1-D.
Original volume No. 2A	Thirty-second revised sheet No. 1-C.

El Paso requests that the Federal Energy Regulatory Commission ("Commission") grant waiver of its applicable rules, regulations and orders as may be necessary to permit the tendered revised tariff sheets to become effective on October 1, 1985.

El Paso further states that it is tendering Second Revised Sheet No. 24 of its FERC Gas Tariff, Original Volume No. 1-A to be effective October 1, 1985, in order to reflect the rate of \$2.8579 per dth to be utilized to determine the fuel reimbursement charge payable under Section 6 of Rate Schedule T-1 or T-2 of said Tariff by shippers electing to reimburse El Paso for fuel usage in monthly payments rather than in-kind, as included in El Paso's Stipulation and Agreement in Settlement of Rate Proceedings accepted and approved subject to certain conditions by letter order dated August 14, 1985 at Docket No. RP85-58-00, *et al.*

El Paso states that the filing has been served upon all interstate pipeline system customers of El Paso and all interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, in accordance with §§ 385.214 and 385.211 of this Chapter. All such motions or protests should be filed on or before September 12, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 85-21656 Filed 9-10-85; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA85-1-34-000, 001]

**Proposed Changes in FERC Gas Tariff;
Florida Gas Transmission Co.**

September 4, 1985.

Take notice that on August 30, 1985, Florida Gas Transmission Company (FGT), P.O. Box 1188, Houston, Texas 77001 tendered for filing the following tariff sheets to its FERC Gas Tariff to be effective October 1, 1985.

First Revised Volume No. 1

5th Revised Sheet No. 8

3th Revised Sheet No. 9

Original Volume No. 2

28th Revised Sheet No. 128

Reason For Filing

5th Revised Sheet No. 8 and 28th Revised Sheet No. 128 contain revisions to FGT's Rate Schedules G and I and Rate Schedule T-3 respectively to:

(i) Adjust the Primary Adjustment to reflect changes in the average cost of gas purchased for sale and company use, net of amounts to be recovered through Incremental Pricing Surcharges;

(ii) Adjust the Balancing Adjustment to amortize over the six-month adjustment period, the balance in the current period Unrecovered Purchase Gas Account as of June 30, 1985.

(iii) Include a special surcharge (Order 94 Surcharge) to recover over a twelve month period the jurisdictional portion of retroactive payments made to producers in accordance with FERC Order Nos. 94 *et seq.*

3rd Revised Sheet No. 9 contains the estimated incremental pricing surcharges for the adjustment period.

The above-mentioned changes to the Primary and Balancing Adjustments are being made pursuant to Section 15 (Purchase Gas Adjustment and Incremental Pricing Provision) of the General Terms and Conditions of FGT's FERC Gas Tariff, First Revised Volume No. 1 and § 154.38 *et seq.* of the Commission's Regulations (18 CFR 154.38, *et seq.*).

The net effect of the adjustments being filed for Rate Schedules G and I is to decrease the currently effective rates by a 1.606¢/therm. The net effect on the adjustments being filed for Rate Schedule T-3 is a decrease of .80¢/Mcf.

FGT states that a copy of its filing has been served on all customers receiving gas under its FERC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2 and interested State Commissions and is being posted.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825

North Capital Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 12, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-21657 Filed 9-10-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-193-000]

**Proposed Changes in FERC Gas Tariff;
North Penn Gas Co.**

September 4, 1985.

Take notice that North Penn Gas Company (North Penn) on August 30, 1985, pursuant to Section 4 of the Natural Gas Act and Section 154.63 of the Commission's Regulations, filed proposed changes to its FERC Gas Tariff, First Revised Volume No. 1, to become effective October 1, 1985.

The proposed rate changes would increase North Penn's revenue from jurisdictional sales and services by \$1,590,083, based on the twelve months ended May 31, 1985, adjusted for known and measurable changes through February 28, 1986.

North Penn states that the increased rates are necessary to reflect decreased sales and to recover increased depreciation, operation and maintenance expenses and to begin amortization of an extraordinary storage gas loss. The rates are based on an overall rate of return of 13.8% and on return on equity of 16%.

The filing changes North Penn's rate structure from a straight commodity rate to a two part demand commodity rate.

North Penn states that the cost of gas was computed using the base cost of gas reflected in North Penn's Seventy-Sixth Revised Sheet No. PGA-1. Additionally, North Penn is filing a tariff sheet which revises Section 6.2 of its Tariff (General Terms and Conditions). The revision changes the interest rate applicable to unpaid bills for gas delivered to the prime rate.

Copies of this filing were served upon North Penn's jurisdictional customers, as well as interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a motion to

intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before September 12, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-21658 Filed 9-10-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-194-000]

**Panhandle Eastern Pipe Line Co.;
Proposed Changes**

September 4, 1985.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on August 30, 1985, tendered for filing proposed changes in the revised tariff sheets as listed on the attached Appendix A. Panhandle requests an effective date of October 1, 1985 for the tendered tariff sheets.

These revised tariff sheets, as identified on Appendix A hereto, are being filed pursuant to section 4 of the Natural Gas Act, § 154.38(d)(4)(vi)(a) and § 154.209(a)(1) of the Federal Energy Regulatory Commission's (Commission) Regulations thereunder. These revised tariff sheets will supersede those in effect immediately prior to October 1, 1985, although they do not reflect any changes in Panhandle's currently effective resale rates, as reflected in its September 1, 1985 purchased gas adjustment (PGA) filing in Docket Nos. TA85-3-28-000 and TA85-3-28-001, nor do they reflect any changes in Panhandle's various currently effective transportation rates which are included in Original Volume Nos. 1 and 2 of Panhandle's FERC Gas Tariff. Panhandle is also submitting herewith the jurisdictional cost and revenue study required by § 154.38(d)(4)(vi)(a) and Section 154.209(a)(1) of the Regulations.

Panhandle also states that it is submitting a revised tariff sheet related to its IT (Interruptible Transportation) rate schedule. This revision is designed to comply with a Commission directive. Further, Panhandle also is submitting

certain revisions to its sales rate schedules LS-1, LS-2, SS-1 and CS-1 to eliminate the recovery of purchased gas costs from the minimum commodity bill, and is separately stating purchased gas costs on its applicable rate tariff sheets, as required by Section 154.111 of the Commission's Regulations and the Commission's Order No. 380. Panhandle also is proposing to reduce the filing time from 45 days to 30 days with respect to its PGA, ANGTS and DCA tariff provisions contained in the General Terms and Conditions of its FERC Gas Tariff, Original Volume No. 1.

Panhandle states that the aforementioned cost and revenue study demonstrates that Panhandle's jurisdictional cost of service is greater by at least \$22.4 million than the jurisdictional revenues for the applicable twelve-month period, as adjusted. Moreover, this study demonstrates that Panhandle is earning less than its previously allowed rate of return.

Panhandle could have chosen to seek an increase in its rates by submitting revised tariff sheets designed to recover this \$22.4 million jurisdictional revenue deficiency, but chose not to at this time, without prejudice to its rights subsequently to seek such an increase. Therefore, this filing is made solely to comply with the provisions of § 154.38(d)(4) and § 154.209 of the Regulations, and is without prejudice to Panhandle's rights subsequently to seek an increase in rates to recover its increased costs, including but not limited to, the level of risk associated with respect to the pending Notice of Proposed Rulemaking in Docket No. RM85-1-000 (Parts A-D) (NOPR).

Copies of this letter and enclosures are being served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before September 12, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

Appendix A—Panhandle Eastern Pipe Line Company—Proposed Tariff Sheets

FERC Gas Tariff, Original Volume No. 1

Fifty-Third Revised Sheet No. 3-A
Thirtieth Revised Sheet No. 3-B
Fifth Revised Sheet No. 3-C
Fourth Revised Sheet No. 3-D
Twenty-Third Revised Sheet No. 22
Fifteenth Revised Sheet No. 24-A
Twenty-Sixth Revised Sheet No. 25
Seventeenth Revised Sheet No. 26-B
Seventeenth Revised Sheet No. 26-E
First Revised Sheet No. 32-Q
First Revised Sheet No. 42-C.2
Ninth Revised Sheet No. 43-1
Twelfth Revised Sheet No. 43-2
Fourteenth Revised Sheet No. 43-3
First Revised Sheet No. 43-9

FERC Gas Tariff, Original Volume No. 2

Eighth Revised Sheet No. 93
Ninth Revised Sheet No. 135
Eleventh Revised Sheet No. 611
Eleventh Revised Sheet No. 694
Eleventh Revised Sheet No. 695
Eleventh Revised Sheet No. 875
Eleventh Revised Sheet No. 876
Third Revised Sheet No. 1291
Third Revised Sheet No. 1292
Third Revised Sheet No. 1316
Third Revised Sheet No. 1317
Third Revised Sheet No. 1339
Third Revised Sheet No. 1340
Third Revised Sheet No. 1557
Third Revised Sheet No. 1558
Third Revised Sheet No. 1586
Third Revised Sheet No. 1610
Third Revised Sheet No. 1883
Third Revised Sheet No. 1884
Third Revised Sheet No. 1920
Fourth Revised Sheet No. 1963
Third Revised Sheet No. 1995
Fifth Revised Sheet No. 2049
Second Revised Sheet No. 2064
Fifth Revised Sheet No. 2242
Third Revised Sheet No. 2370
Third Revised Sheet No. 2457
Third Revised Sheet No. 2489
Third Revised Sheet No. 2524
First Revised Sheet No. 2546
First Revised Sheet No. 2570
First Revised Sheet No. 2640
Third Revised Sheet No. 2672
First Revised Sheet No. 2707
Second Revised Sheet No. 2731
First Revised Sheet No. 2754
First Revised Sheet No. 2779
First Revised Sheet No. 2827
First Revised Sheet No. 2850
First Revised Sheet No. 2873
First Revised Sheet No. 2884
First Revised Sheet No. 2911

First Revised Sheet No. 2935

[FR Doc. 85-21661 Filed 9-10-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-1-39-000, 001]

Pacific Interstate Transmission Co. Proposed Changes in FERC Gas Tariff Pursuant to Purchased Gas Cost Adjustment Provision

September 4, 1985.

Take notice that Pacific Interstate Transmission Company (Pacific Interstate) on August 30, 1985, tendered for filing as part of its FERC Gas Tariff, Original Volume No. 2, the following sheets:

Twenty-Eighth Revised Sheet No. 4
Eleventh Revised Sheet No. 4-A
Twenty-Third Revised Sheet No. 5.

Pacific Interstate states that these tariff sheets are issued pursuant to Pacific Interstate's Purchased Gas Cost Adjustment (PGCA) Provision and Incremental Pricing Provision as set forth in Sections 16 and 17, respectively, of the General Terms and Conditions of its FERC Gas Tariff, Original Volume No. 2. The proposed effective date of these tendered tariff sheets and the rates applicable to Pacific Interstate's Southwest Division, thereon is October 1, 1985.

Pacific Interstate also states that the above-tendered tariff sheets reflect a proposed October 1, 1985 Pacific Interstate Rate Schedule S-G-1 commodity rate of 322.61¢ per decatherm, an increase of 50.86¢ per decatherm from the 271.75¢ per decatherm rate effective April 1, 1985, the date of the last S-G-1 commodity rate change, and that such increase reflects a current Gas Cost Adjustment and a change in the Surcharge Adjustment.

Pacific Interstate states that the current Gas Cost Adjustment is based on an annualized gas cost increase of \$59,589 and that the Surcharge Adjustment is designed to collect, over a six-month period beginning October 1, 1985 an amount of \$57,977.90, which is the amount of Pacific Interstate's Unrecovered Purchased Gas Cost account at June 30, 1985. Furthermore, Pacific Interstate states that there is no incremental pricing surcharge adjustment applicable to this filing, since its only customer has no surcharge absorption capability.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Washington, D.C. 20426, in accordance

with §§ 385.214 and 385.211 of the Commission's Rule of Practice and Procedure. All such motions or protests should be filed on or before Sept. 12, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-21659 Filed 9-10-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA85-1-62-000, 001]

**Pacific Offshore Pipeline Co.;
Proposed Changes in FERC Gas Tariff
Pursuant to Purchased Gas Cost
Adjustment Provision**

September 4, 1985.

Take notice that Pacific Offshore Pipeline Company (Pacific Offshore) on August 30, 1985, tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following sheets: Fourth Revised Sheet No. 4 Second Revised Sheet No. 35 First Revised Sheet No. 36

Pacific Offshore requests an effective date of these tendered tariff sheets and the rates thereon of October 1, 1985.

Pacific Offshore also states that the above-tendered tariff sheets reflect a proposed October 1, 1985 Pacific Offshore Rate Schedule G-1 commodity rate of \$2.313 per decatherm, an increase of \$.290 per decatherm from the \$2.023 per decatherm rate effective October 1, 1985, the date of the revised commodity rate, and that such increase reflects a current Gas Cost Adjustment and a change in the Surcharge Adjustment.

Pacific Offshore states that the current Gas Cost Adjustment is based on an annualized gas cost increase of \$621,712 and that the Surcharge Adjustment is designed to collect, over a six-month period beginning October 1, 1985 an amount of \$613,291.86 which is the amount of Pacific Offshore's Unrecovered Purchased Gas Cost account at June 30, 1985.

Pacific Offshore also seeks Commission approval of modifications to its Net Gas Cost Adjustment provision to correct an inconsistency between sales and purchases in the computation.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission,

Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rule of Practice and Procedure. All such motions or protests should be filed on or before Sept. 12, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-21660 Filed 9-10-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL85-44]

**Complaint; Kurt A. Quillen v. City of
Longmont, Colorado**

September 4, 1985.

Take notice that on August 15, 1985, Kurt A. Quillen submitted for filing a complaint against City of Longmont, Colorado (Longmont). Quillen seeks to have the Commission enforce Longmont's obligation under Section 210 of the Public Utilities Regulatory Policies Act of 1978 to purchase power, at full avoided cost, from Quillen.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR § 385.211, 385.214). All such motions or protests should be filed on or before October 4, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-21662 Filed 9-10-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-1-38-000, 001]

**Filing of Revised Tariff Sheets;
Ringwood Gathering Co.**

September 4, 1985.

Take notice that on August 29, 1985, Ringwood Gathering Company tendered for filing Thirty-Fifth Revised Sheet

PGA-1. Ringwood Gathering Company states that Thirty-Fifth Revised Sheet PGA-1 will become effective on October 1, 1985, and revise its Base Tariff Rate to reflect the increase in the system cost of purchased gas and recover the balance accumulated in its unrecovered purchased gas cost account.

Ringwood Gathering Company further states that the projected cost of purchased gas, as computed in said filing, is based on the applicable NGPA rates for October, 1985.

Ringwood Gathering Company states that copies of this filing were served upon Northwest Central Pipeline Corporation and Westar Transmission Company, as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 12, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-21663 Filed 9-10-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL85-19-103]

**Resource Sort Workshop for Cluster
Impact Assessment Procedure;
Salmon River Basin, Idaho**

Issued August 29, 1985

As part of the Resource Sort Phase (Phase 2) of the Cluster Impact Assessment Procedure (CIAP) for the Salmon River Basin, the Staff of the Federal Energy Regulatory Commission (Staff) will convene a Resource Sort Workshop at 9:30 a.m. on October 21-23, 1985, in the Bureau of Land Management, State Office, 3390 Americana Terrace, in Boise, Idaho. The purpose of the Resource Sort Phase of the CIAP is to further define the scope of the study by taking a more detailed look at the interaction of projects with target resources. The resource information from Phase 2 will be utilized as baseline

data for the remainder of the CIAP analysis.

The Staff is now compiling information on the target resources for inclusion in a Resource Sort Workshop Document (Document) that will be sent to Phase 1 CIAP participants for review on or about October 9, 1985. Others wishing to receive the Document and participate in the Workshop must contact the FERC Project Manager, Mr. Thomas Russo at (202) 376-1976, or Mr. John Staples at (202) 376-9064 by October 9, 1985.

In the Resource Sort Workshop, the Staff will verify the technical data in the Document with the CIAP participants and discuss analytical techniques that will be used in the Multiple Project Assessment Phase (Phase 3) of the CIAP. After a brief overview, Workshop participants will divide into smaller groups for consideration of the specific target resource categories. These groups will be chaired by the Staff individuals responsible for specific target resources and will entail open and informal discussions of the technical issues related to the Staff's analysis of the specific target resources. The Workshop will be concluded with a general meeting at which a brief summary of all the Workshop activities will be presented by the Staff, and the upcoming Phase 3 CIAP activities will be discussed.

In order to ensure the success of the Workshop, the Staff encourages all participating agencies and organizations to designate no more than two representatives to participate in the meetings. The Staff intends to encourage open dialogue and discussion among all participants with respect to the technical analysis of target resources.

Kenneth F. Plumb,
Secretary.

[FR Doc. 85-21664 Filed 9-10-85; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA86-1-7-000, 001]

Southern Natural Gas Co., Proposed Changes in FERC Gas Tariff

September 4, 1985.

Take notice that Southern Natural Gas Company (Southern) on August 30, 1985, tendered for filing proposed changes to its FERC Gas Tariff, Sixth Revised Volume No. 1, to become effective October 1, 1985. Such filing is pursuant to Section 17 (Purchased Gas Adjustment) of the General Terms and Conditions of Southern's FERC Gas Tariff, Sixth Revised Volume No. 1. The proposed changes reflect a net increase in Southern's rates of approximately

.552¢ per Mcf as a result of the following items:

(1) A Current Adjustment pursuant to section 17.3 of the General Terms and Conditions of Southern's tariff, reflecting an annual increase in the cost of purchased gas to jurisdictional customers of \$44,878,689 or approximately 12.396¢ per Mcf.

(2) A Surcharge Adjustment for unrecovered purchased gas costs of (.401¢) per Mcf, which is a decrease of 11.788¢ per Mcf from the present Surcharge Adjustment.

(3) A Surcharge Adjustment for estimated Demand Charge Credits pursuant to Section 9.6(3) of the General Terms and Conditions of Southern's tariff of (.060¢) per Mcf, which reflects a decrease of .056¢ per Mcf from the present DCC Surcharge Adjustment.

Pursuant to § 282.601(a)(1)(ii) of the Commission's Regulations, Southern is also filing Twelfth Revised Sheet No. 45R with a proposed effective date of October 1, 1985. Such tariff sheet reflects Southern's projected incremental pricing surcharge for the six-month period beginning October 1, 1985, to be zero.

Copies of the filing were served upon the Company's jurisdiction customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211 or 385.214). All such motions or protests should be filed on or before Sept. 12, 1985. Protests appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 85-21665 Filed 9-10-85; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA86-1-42-000, 001]

Proposed Changes in FERC Gas Tariff; Transwestern Pipeline Co.

September 4, 1985.

Take notice that Transwestern Pipeline Company (Transwestern) on August 30, 1985 tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following Sheets:

1st Alternate Twenty-ninth Revised Sheet No. 5

1st Alternate Twenty-seventh Revised Sheet No. 6

Twelfth Revised Sheet No. 6A

The above tariff sheets are issued pursuant to Transwestern's Purchased Gas Cost Adjustment provision set forth in Article 19 of the General Terms and Conditions of Transwestern's FERC Gas Tariff, Second Revised Volume No. 1. The Purchased Gas Cost Adjustment reflected in these sheets is a decrease of \$.3538/dth.

The rate change therein consists of:

(1) A decrease in the cost of Gas Adjustment of \$.2585/dth based upon decreases in the projected gas costs; and

(2) A decrease in the Surcharge Adjustment of \$.0953/dth due to a decrease in the balance in the Gas Cost Adjustment account as of June 30, 1985.

The proposed effective date of the above tariff sheets is October 1, 1985.

Copies of the filing were served on Transwestern's jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 12, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 85-21666 Filed 9-10-85; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. QF85-658-000, etc.]

Northern Energy Group, Inc., et al. Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.

Comment date: Thirty days from publication in the Federal Register, in accordance with Standard Paragraph E at the end of this notice.

Take notice that the following filings have been made with the Commission.

1. Northern Energy Group, Inc. August 30, 1985

[Docket No. QF85-658-000]

On August 20, 1985, Northern Energy Group, Inc. (Applicant), of 5 West Main Street, Chateaugay, New York 12920 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The facility will be located in Chateaugay, Franklin County, New York. The primary energy source will be biomass in the form of sawmill residue and whole tree chips. The electric power production capacity will be approximately 14.2 megawatts.

2. Mat-Su Energy Corporation

[Docket No. QF85-657-000]

August 30, 1985.

On August 19, 1985, Mat-Su Energy Corporation (Applicant), of General Delivery, Wasilla, Alaska 99687 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The facility will be located near Big Lake Exit, off Parks Highway, in Matanuska-Susitna Borough, Alaska. The primary energy source will be biomass in the form of wood chips. The electric power production capacity will be 15 megawatts.

3. David W. Larson

[Docket No. QF85-594-000]

August 30, 1985.

On July 8, 1985, David W. Larson (Applicant), of RR1 Box 121, White Lake, South Dakota 57383 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. Supplemental information was filed on August 19, 1985 to complete the filing.

The 3.5 megawatt wind facility will be located in the White Lake Township, Aurora County, South Dakota.

4. Charles Vail

[Docket No. QF85-665-000]

September 5, 1985

On August 26, 1985, Charles Vail (Applicant), of 6227 North Twenty-Sixth Road, Arlington, Virginia 22207, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant

to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in the City of Portsmouth, New Hampshire. The facility will generate electric power by burning anthracite silt. The electric power production capacity of the facility will be 35,000 kW.

5. Errol Hydroelectric Limited Partnership

[Docket No. QF85-659-000]

September 5, 1985

On August 19, 1985, Errol Hydroelectric Limited Partnership (Applicant), c/o Swift River/Hafslund Company, 10 Harbor Street Danversport, Massachusetts 01923, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 2.4 megawatt hydroelectric facility will be located at the Errol Dam in Errol, New Hampshire.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

6. Foster Wheeler New Hampshire, Inc.

[Docket No. QF85-661-000]

September 5, 1985.

On August 22, 1985, Foster Wheeler New Hampshire, Inc. (Applicant), of Foster Wheeler Power Systems, Inc., 110 South Orange Avenue, Livingston, New Jersey 07039, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The facility will be located in Swanzey, New Hampshire. The primary energy source will be biomass in the form of wood chips and waste paper. The electric power production capacity will be approximately 17.2 megawatts. Propane, natural gas or oil may be used for startup purposes only and will not

exceed five percent of the total energy input during any calendar year.

7. InterWest Energy, Inc.

[Docket No. QF85-664-000]

September 5, 1985.

On August 28, 1985, InterWest Energy, Inc. (Applicant), of 305 111th Avenue, N.E., Bellevue, Washington 98004, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The facility will be located in the Village of Hillman, Montmorency County, Michigan. The primary energy source will be biomass in the form of wood waste. The electric power production will be 15 megawatts. The facility will not use oil, natural gas or coal.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-21651 Filed 9-10-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ES85-56-000 et al.]

Electric Rate and Corporate Regulation Filings; Gulf States Utilities Co. et al.

Take notice that the following filings have been made with the Commission:

1. Gulf States Utilities Company

[Docket No. ES85-56-000]

September 4, 1985.

Take notice that on August 23, 1985, Gulf States Utilities Company (Applicant) filed an application seeking an order under section 204(a) of the

Federal Power Act authorizing the Applicant to issue up to \$100,000,000 Principal Amount of First Mortgage Bonds over a two-year period and seeking exemption from competitive bidding requirements.

Comment date: September 23, 1985, in accordance with Standard Paragraph E at the end of this notice.

2. El Paso Electric Company

[Docket No. ES85-57-000]

September 4, 1985.

Take notice that on August 26, 1985, El Paso Electric Company filed an application with the Federal Energy Regulatory Commission (Commission) seeking authority pursuant to Section 204 of the Federal Power Act (i) to guarantee up to \$20,000,000 principal amount of long-term, variable rate promissory notes to be issued pursuant to an employee stock ownership plan and trust sponsored by the Company (the "ESOP"), such promissory notes to be issued and sold by the ESOP in a private placement to qualified institutional lenders, (ii) to assume an obligation to purchase such notes under certain circumstances, and (iii) to assume a reimbursement obligation with respect to amounts which may be advanced from time to time under a bank letter of credit to be issued to support the payment of such notes.

Comment date: September 25, 1985, in accordance with Standard Paragraph E at the end of this notice.

3. Arizona Public Service Company

[Docket No. ER85-708-000]

September 5, 1985.

Take notice that on August 26, 1985, Arizona Public Service Company ("APA") tendered for filing a Notice of Cancellation of the Wholesale Power Agreement (Agreement) between Electrical District No. 7 (District) and "APS" for the supply of power, Rate Schedule FPC No. 13.

"APS" requests to cancel said Agreement as of December 21, 1985, pursuant to its term.

Copies of these filings have been served upon ED-7 and the Arizona Corporation Commission.

Comment date: September 16, 1985, in accordance with Standard Paragraph E at the end of this notice.

4. Idaho Power Company

[Docket No. ER85-687-000]

September 5, 1985.

Take notice that on August 15, 1985, the Idaho Power Company, tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales

made under the Company's 1st Revised FERC Electric Tariff, Volume No. 1 (Supersedes original Volume No 1) during June, 1985, along with cost justification for the rate charged. This filing includes the following

supplements:

Utah Power & Light Company—

Supplement 44

Sierra Pacific Power Company—

Supplement 40

Montana Power Company—Supplement

36

Portland General Electric Company—

Supplement 36

Southern California Edison—

Supplement 30

San Diego Gas & Electric Company—

Supplement 25

Washington Water & Power Company—

Supplement 30

Los Angeles Water & Power Company—

Supplement 27

Puget Sound Power & Light Company—

Supplement 17

City of Glendale—Supplement 25

City of Pasadena—Supplement 23

Pacific Gas & Electric Company—

Supplement 11

Western Area Power Administration—

Supplement 4

California Department of Water

Resources—Supplement 1

Comment date: September 16, 1985, in accordance with Standard Paragraph E at the end of this notice.

5. Jersey Central Power and Light Company

[Docket No. ER85-714-000]

September 5, 1985.

Take notice that on August 28, 1985, Jersey Central Power and Light Company (Jersey Central) tendered for filing copies of revised tariff sheets providing for partial requirements and wheeling service for former full requirements wholesale customers of Jersey Central. These customers have obtained allotments of power from the Power Authority of the State of New York (PASNY) as of July 1, 1985. It has not been possible to effectuate all of the contractual arrangements relating to delivery of this power until now. The PASNY power has been received by Jersey Central since July 1, 1985. Jersey Central therefore requests waiver of the prior notice provisions of the Commission's regulations and an effective date of July 1, 1985 for these tariff provisions. As part of this filing Jersey Central also includes a revised index of purchasers to its original Volume Number 1.

Comment date: September 16, 1985, in accordance with Standard Paragraph E at the end of this notice.

6. New England Power Company

[Docket No. ER85-476-001]

September 5, 1985.

Take notice that on August 21, 1985, New England Power Company (NEP) submitted for filing an Explanatory Statement and an Offer for Settlement between NEP, the municipal Rate T-PTF Customers of NEP, and the Boston Edison Company.

Comment date: September 16, 1985, in accordance with Standard Paragraph E at the end of this notice.

7. Ohio Power Company

[Docket No. ER85-711-00]

September 5, 1985.

Take notice that American Electric Power Service Corporation (AEP) on August 28, 1985 tendered for filing on behalf of its affiliate Ohio Power Company (OPCO), which is an AEP affiliated operation subsidiary, Modification No. 6 dated April 30, 1985 to the Operating Agreement dated December 1, 1985 between the Toledo Edison Company (Toledo) and OPCO. The Commission has previously designated the 1965 Agreement as OPCO's Rate Schedule FERC No. 35 and Toledo's Rate Schedule FERC No. 1.

Section 1 of Modification No. 6 increases the demand rate for multi-party Short Term Power from \$0.24/kW-week (\$0.048/kW-day) to \$0.35/kW-week (\$0.070/kW-day) until April 14, 1985, and to \$0.46/kW-week (\$0.092/kW-day) thereafter when OPCO is the supplying party. Section 1 also increases Toledo's transmission demand rate for Short Term Power from \$0.24/kW-week (\$0.048/kW-day) to a rate not to exceed \$0.035/kW-week (0.070/kW-day). In addition, Section 3 of this Modification increases the transmission demand rate for Limited Term Power from \$1.00 to \$2.00 per kilowatt per month when OPCO is the supplying party and from \$1.00 to a rate not to exceed \$1.50 per kilowatt per month when Toledo is the supplying party.

AEP requests that this Modification become effective in two parts, allowing the \$0.35/kW-week (\$0.070/kW-day) rate for multi-party Short Term Power to become effective March 31, 1985 and the remainder of this Modification to become effective August 15, 1985. These effective dates would update OPCO's rates with Toledo to levels in effect between OPCO and other interconnected electric utility systems for the time periods specified allowing OPCO to charge similar rates for similar services.

Copies of this filing were served upon the Toledo Edison Company and the Public Utilities Commission of Ohio.

Comment date: September 16, 1985, in accordance with Standard Paragraph E at the end of this notice.

8. Public Service Company of Oklahoma

[Docket No. ER85-709-000]

September 5, 1985.

Take notice that on August 26, Public Service Company of Oklahoma ("PSO") tendered for filing the Agreement for Interchange of Electric Power and Energy between Grand River Dam Authority ("GRDA") and PSO, dated May 22, 1985. PSO states that the Agreement, which supersedes and replaces, in its entirety, the Agreement for Interchange of Electric Power and Energy between GRDA and PSO dated December 22, 1981 (FERC Rate Schedule 224) and the First Amendment to such Agreement dated July 1, 1982, provides for a change in the relationship and methods of operation between PSO and GRDA in order for GRDA to assume independent control of its electric system and to operate its own load control area independently of the load control area of PSO. PSO proposes that the Agreement be made effective as of June 1, 1985, and, accordingly, requests waiver of the notice requirements under the Federal Power Act.

Copies of the filing have been sent to GRDA and the Oklahoma Corporation Commission.

Comment date: September 16, 1985, in accordance with Standard Paragraph E at the end of this notice.

9. Public Service Electric and Gas Company

[Docket No. ER85-713-000]

September 5, 1985.

Take notice that on August 28, 1985, Public Service Electric and Gas Company (Public Service) tendered for filing a transmission agreement between Public Service Electric and Gas Company (Public Service) and Borough of South River.

Service under the Rate Schedule commenced July 1, 1985 and will continue throughout a Primary Term ending June 30, 1986, and thereafter for nine successive Terms of one year each ending June 30, 1995, unless terminated by either party.

Comment date: September 16, 1985, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal

Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the Comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-21704 Filed 9-10-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP79-462-005, etc.]

Petition To Amend; Great Lakes Gas Transmission Co.

August 29, 1985.

Take Notice that on August 2, 1985, Great Lakes Gas Transmission Company, 2100 Buhl Building, Detroit, Michigan 48226 (Petitioner), filed in Docket Nos. CP79-462-005, CP66-110-034 and CP71-222-008, a petition to amend the Commission's order issued July 18, 1985, 32 FERC ¶ 62,191, pursuant to section 7(c) of the Natural Gas Act so as to authorize an increase in transportation volumes, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it seeks authorization to render transportation service, for the contract year beginning November 1, 1985, to Texas Eastern Transmission Corporation (TETCO) of volumes of natural gas to be purchased by TETCO from ProGas Limited, in the quantity of 75,000 Mcf of gas per day, instead of the 56,250 Mcf per day currently authorized for such contract year.

Petitioner states that pursuant to an order issued June 10, 1981, 15 FERC ¶ 61, 154, as amended by the order issued July 18, 1985, Great Lakes is currently authorized to transport up to 75,000 Mcf of gas per day for TETCO. The current authorization, it is stated, provides for transportation service for TETCO of up to 75,000 Mcf per day and an amount equal to 75 percent and 50 percent of 75,000 Mcf of gas per day during the contract years beginning November 1 of 1985 and 1986, respectively.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 19, 1985, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-21703 Filed 9-10-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP85-793-000 et al.]

Natural Gas Certificate Filings Seagull Interstate Corp. et al.

September 6, 1985.

Take notice that the following filings have been made with the Commission.

1. Seagull Interstate Corporation

[Docket No. CP85-793-000]

Take notice that on August 19, 1985, Seagull Interstate Corporation (Applicant), 1001 Fannin Street, Suite 1700, Houston, Texas 77002, filed in Docket No. CP85-793-000 an application pursuant to section 7 of the Natural Gas Act and Subpart F of Part 157 of the Commission's Regulations for a blanket certificate of public convenience and necessity authorizing the construction, acquisition, and operation of certain facilities and the transportation and sale of natural gas and for permission and approval to abandon certain facilities and services, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Comment date: September 27, 1985, in accordance with Standard Paragraph F at the end of this notice.

2. Arkla Energy Resources, a Division of Arkla, Inc.

[Docket No. CP85-796-000]

Take notice that on August 19, 1985, Arkla Energy Resources, a division of Arkla, Inc. (Arkla), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP85-796-000 a request

pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate a sales tap and related facilities under its certificate issued in Docket Nos. CP82-384-000 and CP82-384-001 pursuant to section 7 of the Natural Gas Act, as more fully set forth in the request on file with the Commission and open to public inspection.

Arkla proposes the construction and operation of a tap and related facilities necessary to enable Arkla to deliver gas from one of its jurisdictional pipelines to one or more consumers served by Arkansas Louisiana Gas Company, a division of Arkla, Inc. (ALG). It is stated that the location of the tap is on Arkla's Line JM-7 at Station 1038+00 in Section 35, Township 13, North, Range 5 West, Independence County, Arkansas. It is asserted that gas delivered by means of these facilities would be used to serve retail customers. It is further asserted that there are presently about 155 domestic customers, 12 commercial customers and 1 small industrial customer desiring service with the possibility of additional customers being added in the future. It is stated that these customers would use approximately 23,000 Mcf of natural gas annually and about 300 Mcf of a peak day.

Arkla states that the gas sold would be billed at ALG's regular retail rates applicable from time to time pursuant to ALG's Rate Schedules Nos. 1, 2 and 3. It is further stated that the facilities would cost approximately \$10,065. Arkla states that the gas would be delivered from its general system supply which is adequate to provide the service.

Comment date: October 21, 1985, in accordance with Standard Paragraph G at the end of this notice.

3. Columbia Gulf Transmission Company

[Docket No. CP85-799-000]

Take notice that on August 20, 1985, Columbia Gulf Transmission Company (Columbia Gulf), 3805 West Alabama Avenue, Houston, Texas 77027, filed in Docket No. CP85-799-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Bethlehem Mines Corporation (Bethlehem Mines) under the certificate issued in Docket No. CP83-496-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Columbia Gulf proposes to transport up to 4 billion Btu equivalent of natural gas per day for Bethlehem Mines' Hanover, Pennsylvania, plant, through October 31, 1985. Columbia Gulf states that the gas to be transported would be purchased from Northern Gas Marketing, Inc., and Hadson Gas Systems, Inc. (NGM and Hadson), and would be used as boiler fuel in Bethlehem Mines' Hanover plant.

It is indicated that Bethlehem Mines has made arrangements to purchase this gas from NGM and Hadson. It is explained that the gas purchased from NGM would be transported by Northern Natural Gas Company, Division of InterNorth, Inc., and Tennessee Gas Pipeline Company, Division of Tenneco Inc., and delivered to Columbia Gulf at Egan, Acadia Parish, Louisiana. Columbia Gulf states that the gas purchased from Hadson would be transported by United Gas Pipe Line Company and delivered to Columbia Gulf at Erath, Lafayette Parish, Louisiana. Columbia Gulf would redeliver the gas to Columbia Gas Transmission Corporation for redelivery to Columbia Gas of Pennsylvania, Inc. (CPA), the distribution company serving Bethlehem Mines, near Hanover, Pennsylvania.

Columbia Gulf also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by the end-user. The flexible authority requested applies only to points related to sources of gas supply, not to delivery points in the market area. Columbia Gulf will file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

Columbia Gulf states that it would charge one of the rates in its Rate Schedule T-2 for its transportation service: offshore to Kentucky—23.92 cents per dt equivalent of gas and retain 1.89 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas; lateral onshore to Kentucky—14.28 cents per dt equivalent of gas and retain 1.50 percent; Rayne, Louisiana, to Kentucky—12.76 cents per dt equivalent of gas and retain 1.50 percent; and Corinth, Mississippi, to Kentucky—6.38 cents per dt equivalent of gas and retain 0.75 percent.

Comment date: October 21, 1985, in accordance with Standard Paragraph G at the end of this notice.

4. Mississippi River Transmission Corporation

[Docket No. CP85-797-000]

Take notice that on August 19, 1985, Mississippi River Transmission Corporation (Applicant), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP85-797-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain additional natural gas storage facilities at Applicant's East Unionville Storage Field located in Lincoln Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the drilling and operation of six additional injection/withdrawal wells in its East Unionville storage field including the installation and use of measurement and related equipment and facilities. Applicant also proposes to install individual metering facilities at three of its existing injection/withdrawal wells and to construct and operate approximately 4.1 miles of additional gathering field lines. Applicant states that said wells are expected to increase the overall deliverability of the field, but would not alter the total storage capacity of the field.

Applicant estimates the total cost of the proposed wells and related facilities to be \$8,300,000.

Comment date: September 27, 1985, in accordance with Standard Paragraph F at the end of this notice.

5. Natural Gas Pipeline Company of America

[Docket No. CP85-774-000]

Take notice that on August 12, 1985, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP85-774-000 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon and reduce 8,000 Mcf of daily contract quantity of gas sold to Iowa-Illinois Gas and Electric Company (Iowa-Illinois) and for a certificate of public convenience and necessity authorizing an increase in the daily contract quantity of gas sold to Wisconsin Southern Gas Company, Inc. (Wisconsin Southern), and authorizing the rearrangements of specific delivery volumes to Northern Illinois Gas Company (NIGAS) without any change in its daily contract quantity, all as more fully set forth in the application which is

on file with the Commission and open to public inspection.

Natural states that Wisconsin Southern has requested an increase in its daily contract quantity of 6,000 Mcf of natural gas to help reduce its reliance on liquefied petroleum peak-shaving gas to meet its customers' winter demand. Further, it is stated that Iowa-Illinois has indicated its desire to reduce its daily contract quantity by 6,000 Mcf of natural gas since the volumes available to it from Natural exceed its estimated requirements for the foreseeable future. In order for Natural to increase its firm sales to Wisconsin Southern off its Illinois lateral, it is explained that Natural must either install new facilities or reduce contract quantities. Natural states that NIGAS has agreed to shift delivery volumes of 6,000 Mcf of natural gas per day from its Rock Falls delivery point on the Illinois lateral to other points on Natural's Amarillo Line. Therefore, Natural proposes to increase peak day deliverability to Wisconsin Southern by 6,000 Mcf, reduce peak day deliverability to Iowa-Illinois by 6,000 Mcf, and shift deliveries to NIGAS in order to effectuate the increased deliverability for Wisconsin Southern. Natural states that this proposal would result in no growth, no increase in the capacity of either the Illinois lateral or the Amarillo line, and no new facilities.

Comment date: September 27, 1985, in accordance with Standard Paragraph F at the end of this notice.

6. Natural Gas Pipeline Company of America

[Docket No. CP85-788-000]

Take notice that on August 16, 1985, Natural Gas Pipeline Company of America (Applicant), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP85-788-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Northern Petrochemical Company (NPC) under the blanket certificate issued in Docket No. CP82-402-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

It is stated that Applicant entered into a gas transportation agreement (agreement) with NPC dated June 28, 1985. Pursuant to the terms of the agreement, Applicant proposes to transport up to 20 billion Btu of natural gas per day, on behalf of NPC for use in its Morris, Illinois, plant. It is indicated that Applicant would receive the gas at the existing interconnection with

Endevco Pipeline Company in Nacogdoches County, Texas. Applicant would redeliver the gas for the account of NPC to Northern Illinois Gas Company in DuPage County, Illinois (Eola Road delivery point), and Livingston County, Illinois (Pontiac delivery point), it is explained. Applicant proposes to charge NPC 30.7 cents per million Btu and 28.1 cents per million Btu that Applicant receives for the account of NPC in Nacogdoches County, Texas, for delivery to the Eola Road and Pontiac delivery points, respectively. It is stated that this rate is consistent with Applicant's EUT-1 rate schedule on file with the Commission. NPC would also pay the GRI surcharge of 1.21 cents per million Btu, it is explained.

Applicant states that, pursuant to § 157.209(e)(1), of the Commission's Regulations, the transportation service was commenced on July 3, 1985. Applicant requests authority to perform such service until July 3, 1986, provided that the Regulations are amended to allow service beyond October 31, 1985.

Applicant also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by the end-user. The flexible authority requested applies only to points related to sources of gas supply, not to delivery points in the market area. Applicant will file a report providing certain information with regard to the addition or deletion of additional sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

Comment date: October 21, 1985, in accordance with Standard Paragraph G at the end of this notice.

7. Northern Natural Gas Company Division of InterNorth, Inc.

[Docket No. CP83-14-103]

Take notice that on August 16, 1985, Northern Natural Gas Company, Division of InterNorth, Inc. (Petitioner), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP83-14-103 a petition to amend the order issued January 25, 1985, in Docket No. CP83-14-047 pursuant to section 7(c) of the Natural Gas Act so as to authorize the extension of the term of the authorization granted from October 26, 1985, to October 26, 1987. Northern also seeks blanket authority automatically to implement contracts under Rate Schedule LVCS. Petitioner's proposals are more fully set forth in the petition to amend which is on file with the

Commission and open to public inspection.

Petitioner states that on October 8, 1982, it filed an application for a certificate of public convenience and necessity for authorization to provide service through October 26, 1984, under two new flexible pricing rate schedules, the flexible pricing-pipeline option (FPO) rate schedule and the large volume contract service (LVCS) rate schedule. It is explained that Rate Schedule FPO would apply to a group of Petitioner's utility customers whose consumers possess alternative fuel capability and are designated and defined according to their natural gas requirements, in Petitioner's FERC Gas Tariff, Third Revised Volume No. 1, as priorities 6, 7 and 8 consumers. Petitioner further states that Rate Schedule LVCS would provide a similar service, but would apply to distributor customers which contract on an individual basis with end-users which consume more than 199 Mcf of natural gas per day and who possess alternative fuel capability.

Petitioner states that on May 25, 1984, the Commission authorized its flexible rate program through October 26, 1984, subject to certain conditions, and made such program applicable to any Rate Schedule CD-1 customer who had a viable alternative fuel available. Subsequently, on October 26, 1984, and January 25, 1985, the Commission issued orders extending the term of these flexible rate schedules to January 26, 1985, and October 26, 1985, respectively. Petitioner asserts the reasons for granting the certificate still exist and, as such, it seeks Commission approval herein to extend this service through October 26, 1987. Petitioner states that Rate Schedules FPO and LVCS are accomplishing their desired goals: (1) Returning load to the system that would otherwise use alternative fuels; (2) recovering fixed costs over a broader base of sales; (3) reducing Petitioner's take-or-pay exposure; (4) reducing Petitioner's system-wide gas costs reflected through Petitioner's purchased gas adjustment; and (5) assisting in reducing Petitioner's current gas supply situation.

Petitioner states that the flexibility afforded by these rate schedules would assist it and its distributor customers in their efforts to regain and retain markets and that any disruption in service provided under these flexible rate schedules would be detrimental to these gas markets. Petitioner further states that the limited extension of this program has impeded the effectiveness of this program by causing market

uncertainty beyond October 26, 1985, and that prompt review and approval would provide stability to this program.

Petitioner further seeks blanket authority automatically to implement contracts executed under Rate Schedule LVCS instead of waiting ten days before effectuating, as currently required. Petitioner states it would file on the tenth day of every month a revised sheet No. 4e to be included in its Volume I Tariff which reflects prior month activity.

Comment date: September 18, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

8. Northern Natural Gas Company, Division of InterNorth, Inc.

[Docket No. CP85-783-000]

Take notice that on August 15, 1985, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP85-783-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for permission to abandon and remove eighteen small volume measuring stations in the states of Iowa, Kansas, Minnesota, Nebraska, South Dakota and Texas under the abandonment authorization issued in Docket No. CP82-401-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northern states that it has been informed by Peoples Natural Gas Company, Division of InterNorth, Inc. (Peoples), that eighteen small volume measuring customers no longer desire natural gas service and wish to have their meters removed. Consequently, Northern indicates, it is requesting authority to abandon the eighteen small volume measuring stations. Northern estimates the cost to remove such facilities to be \$4,500.

Northern proposes to abandon and remove the following measuring stations:

Customer	Location, county/State
Antonsen, Mark	Dakota, Minnesota.
Clark, Kenneth	Lancaster, Nebraska.
Daibec, Bruce	Wright, Minnesota.
Davidson, Roger	Carlton, Minnesota.
Downing, Coleman	Stevens, Kansas.
Haberer, George	Boone, Iowa.
Kays, James	Isanti, Minnesota.
Killebrew, Flavio	Roberts, Texas.
Knoll, Edward	Finney, Kansas.
Kruger, Robert	Dakota, Minnesota.
Mizner, Melvin	Scott, Minnesota.
Moore, R.L.	Carson, Texas.
National Cooperative Refinery Association	Barton, Kansas.
Otto, Roland	Gage, Nebraska.
Paulson, John	Clay, South Dakota.

Customer	Location, county/State
Phillips, Forrest	Otoe, Nebraska.
Remmel, Charles	Hansford, Texas.
Woody, Richard	Carson, Texas.

Comment date: October 21, 1985, in accordance with Standard Paragraph G at the end of this notice.

9. Northern Natural Gas Company Division of InterNorth.

[Docket No. CP85-816-000]

Take notice that on August 22, 1985, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP85-816-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon by reclaim certain compression and appurtenant facilities at its Eunice compressor station, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern states that, due to declining volumes of natural gas production, two 640-horsepower compressor units (Unit Nos. 5 and 6) and one 757-horsepower compressor unit (Unit No. 7) are no longer needed at the Eunice compressor station in Lea County, New Mexico. Northern further states that the four 1,213-horsepower compressor units (Unit Nos. 1-4) remaining at the Eunice station are sufficient to compress the present gas production and would continue to be adequate through the next three years.

Northern estimates the cost of removing the facilities to be \$140,000 and the salvage value to be \$35,000.

Comment date: September 27, 1985, in accordance with Standard Paragraph F at the end of this notice.

10. Northwest Central Pipeline Corporation

[Docket No. CP85-786-000]

Take notice that on August 15, 1985, Northwest Central Pipeline Corporation (Northwest Central), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP85-786-000 a request pursuant to § 157.205 of the regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate a new delivery point for the sale of gas to The Gas Service Company (Gas Service) under the certificate issued in Docket No. CP82-479-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northwest Central proposes to tap its six-inch pipeline near Beloit, Mitchel

County, Kansas, and to construct and operate a meter and regulator station for the sale of up to 1,000 Mcf of gas per year to Gas Service for resale to James E. Litton for irrigation purposes. Northwest Central indicates the estimated cost of these facilities is \$3,910, which would be paid from treasury cash.

Northwest Central states that the new delivery point is for an existing customer and therefore not prohibited by an existing tariff and that the projected volume is within the full requirements service it renders gas services.

Comment date: October 21, 1985, in accordance with Standard Paragraph G at the end of this notice.

11. Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

[Docket No. CP85-790-000]

Take notice that on August 16, 1985, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP85-790-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authority to transport natural gas on behalf of Tenneco Oil Company (TOC) under the certificate issued in Docket No. CP82-413-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in its request on file with the Commission and open to public inspection.

Tennessee states that it commenced the subject transportation service pursuant to § 157.209(a)(2) of the Regulations on June 28, 1985, as reported to the Commission in Docket No. ST85-1398. Tennessee indicates that it is filing the instant request for authorization under the prior notice procedure to continue this transportation service until the earlier of (i) October 31, 1985, or (ii) the effective date of a final rule in Docket No. RM85-1-000, in which event it is requested that this service for TOC be concurrent with any subsequent authorizations, subject to either party's right to terminate the agreement upon 30 days prior written notice.

It is stated that Tennessee and TOC are parties to a letter agreement dated June 19, 1979, as amended May 1, 1985 (gas processing agreement). Pursuant to such gas processing agreement, it is further stated that TOC has the right to process volumes from Tennessee's system supply at TOC's Chesterville gas processing plant (Chesterville) located in Colorado County, Texas. It is explained that in order to keep Tennessee whole with respect to the

plant fuel and shrinkage volumes incurred at Chesterville as a result of such processing, TOC has the option either to pay Tennessee for such volumes at 103 percent of Tennessee's weighted average cost of gas or make up such volumes in kind by delivering into Tennessee's system volumes available to TOC. Upon receipt of TOC's volumes, Tennessee states that it would transport such gas to Chesterville for delivery to TOC, which would simultaneously redeliver such volumes to Tennessee at Chesterville as make-up volumes under the processing agreement.

Tennessee proposes herein to transport natural gas for TOC pursuant to a gas transportation agreement (agreement), dated June 28, 1985, between Tennessee and TOC. It is stated that the gas to be transported under the agreement would be purchased by TOC from Dixon Management Corporation (Dixon) from reserves produced from the John Hastedt Well No. 2, Columbus field, Colorado County, Texas, and would be delivered to Tennessee for TOC's account under TOC's option to replace shrinkage volumes in kind as set forth above.

Tennessee also requests flexible authority to add or delete receipt points associated with sources of gas acquired by the end-users. The flexible authority requested applies only to points related to sources of gas supply, and not to delivery points in the market area. Tennessee will file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

Tennessee states that it would charge rates set forth in its Rate Schedule IIEU. Further Tennessee states that it would retain 0.9 percent of the volume received from TOC hereunder on any day. In addition, Tennessee states that it would collect the Gas Research Institute surcharge for all quantities transported under the transportation arrangement.

Comment date: October 21, 1985, in accordance with Standard Paragraph G at the end of this notice.

12. Texas Eastern Transmission Corporation

[Docket No. CP85-804-000]

Take notice that on August 21, 1985, Texas Eastern Transportation Corporation (Applicant), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP85-804-000 an application

pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to transport natural gas for New Jersey Natural Gas Company (New Jersey Natural) and to construct and operate the additional pipeline facilities required to render this service, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that New Jersey Natural has requested Applicant to provide a firm transportation service to enable New Jersey Natural to receive gas that it proposes to purchase from Carnegie Natural Gas Company (Carnegie). Applicant explains that it has agreed to transport on a firm basis for New Jersey Natural a maximum daily quantity of 27,000 dt equivalent of natural gas and such additional quantities on an interruptible basis as mutually agreed upon for a term extending through May 30, 2000; and that all gas to be transported by Applicant would be "Carnegie gas" as defined in an agreement dated August 12, 1985.

Applicant proposes to receive from Carnegie the stated quantities of natural gas at the existing point of interconnection between Applicant and Carnegie located at Applicant's meter station No. 1275 in Greene County, Pennsylvania, and transport equivalent volumes to New Jersey Natural at Applicant's meter station No. 953 in Middlesex County, New Jersey.

To render this service Applicant proposes to construct and operate 11.10 miles of 30-inch, 36-inch and 42-inch pipeline loop in the states of West Virginia, Pennsylvania and New Jersey. The estimated cost of these facilities is \$15,032,000 and Applicant states that it would initially finance these costs with funds on hand, borrowing under revolving credit on short-term financing.

Pursuant to the agreement which upon grant of the requested authorization would be filed with the Commission as part of Applicant's FERC Gas Tariff, Original Volume No. 2, Applicant states it would charge New Jersey Natural a monthly demand charge based upon the estimated annual cost of services for the proposed facilities, of \$12,509 per dt equivalent of natural gas and an excess charge of \$4.113 per dt for deliveries in excess of the firm quantity.

Comment date: September 27, 1985, in accordance with Standard Paragraph F at the end of this notice.

13. Texas Eastern Transmission Corporation

[Docket No. CP85-805-000]

Take notice that on August 21, 1985, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP85-805-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity for authorization to provide a firm storage delivery service for Public Service Electric and Gas Company (Public Service) pursuant to its Rate Schedule SS-II and to construct and operate additional facilities necessary to render those services, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant proposes to transport a firm daily delivery quantity (FDDQ) for Public Service of 27,915 dt equivalent of natural gas per day, and to construct and operate at an estimated cost of \$15,186,000, 8 miles of 6-inch and 3 miles of 42-inch pipeline loop on its system at eight locations in Pennsylvania and New Jersey and the expansion of measuring and regulating station No. 128. Applicant states that it would initially finance the cost through revolving credit arrangements, short-term loans, and from cash on hand.

A precedent agreement has been executed with Public Service which has requested the FDDQ and that the annual costs associated with the new facilities would be borne by Public Service by use of a firm demand charge. Applicant estimates the firm demand charge to be \$9.766 per dt of FDDQ per month.

Comment date: September 27, 1985, in accordance with Standard Paragraph F at the end of this notice.

14. Texas Eastern Transmission Corporation

[Docket No. CP85-803-000]

Take notice that on August 21, 1985, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP85-803-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to provide a firm storage and transportation service for certain of its Rate Schedule SS-III customers and to construct and operate additional pipeline facilities required to render such service, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant proposes to provide the following service at the customers' nominated firm daily delivery quantities (FDDQ):

Customer	FDDQ dt per day
Algonquin Gas Transmission Company	1,290
Brooklyn Union Gas Company	10,340
Central Hudson Gas & Electric Corp.	886
Elizabethtown Gas Company	8,469
Long Island Lighting Company	14,771
New Jersey Natural Gas Company	9,552
Philadelphia Gas Works	25,702
Public Service Electric and Gas Company	60,069
Total	131,079

To perform this service, Applicant requests authorization to construct and operate \$59,900,000 of facilities including:

(1) Approximately 16.25 miles of 36-inch pipeline loop, 9.71 miles of 30-inch pipeline loop, 4.0 miles of 26-inch pipeline loop and 27.00 miles of 24-inch pipeline loop at 16 locations on Applicant's existing system located in the states of Ohio and Pennsylvania.

(2) Two aerodynamic assembly changeouts at Applicant's Delmont compressor station located near Greensburg, Pennsylvania.

(3) Expansion of facilities at Applicant's meter station No. 034 located in Montgomery County, Pennsylvania and meter station No. 128 located in Union County, New Jersey.

Applicant states that in response to the nominations of the SS-III customers, Applicant determined that it was economically feasible to render the firm withdrawal service by means of the facilities for which authorization is requested. Accordingly, it is explained that precedent agreements have been executed with the eight SS-III customers who have requested FDDQs. These agreements call for the firm SS-III service to commence November 1, 1986, and to continue through March 31, 2006.

Applicant states that as provided by Rate Schedule SS-III, section 11, *Firm Service*, the annual costs associated with all facilities which must be added to Applicant's system to render the FDDQs would be borne only by the SS-III customers which requested such firm service by means of a firm demand charge. Based upon the estimated annual cost of service for the facilities, Applicant estimates a firm demand charge of \$10.251 per dt equivalent of natural gas of FDDQ per month for the additional capacity increment. In the event that the actual cost of the facilities varies from the final estimated cost of construction, Applicant states that it would file amended rates to reflect such costs within ninety days after service commences. To the degree that over

collections or under collections occur prior to the effectiveness of revised rates, Applicant states further that it would determine any adjustments including interest and would either resubmit billings to refund or recover such over collections or under collections.

Applicant proposes initially to finance the cost of constructing the proposed facilities through revolving credit arrangements, short-term loans, and funds on hand; permanent financing would be undertaken as part of Applicant's overall long-term financing programs at a later date.

Comment date: September 27, 1985, in accordance with Standard Paragraph F at the end of this notice.

15. Texas Eastern Transmission Corporation

[Docket No. CP85-806-000]

Take notice that on August 21, 1985, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP85-806-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to transport for Consolidated Gas Transmission Corporation (Consolidated) on a firm basis natural gas up to a maximum daily quantity of 200,000 dt equivalent of natural gas and such additional quantities on an interruptible basis as Applicant and Consolidated may mutually agree upon for a primary term of twenty years, and year to year thereafter, and to construct and operate certain facilities necessary therefore all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authority to construct and operate approximately 21.63 miles of 36-inch pipeline loop at five locations on Applicant's existing Penn-Jersey pipeline system located in the state of Pennsylvania at an estimated cost of \$26,807,000. Applicant states it would initially fund the cost through revolving credit arrangements, short-term loans and funds on hand.

Applicant proposes to receive from Consolidated quantities of natural gas at an existing point of interconnection with Consolidated located at the Oakford storage field in Westmoreland County, Pennsylvania and to transport equivalent volumes, less applicable shrinkage, to Consolidated at the existing interconnection between Applicant and Consolidated located at Perulack, Pennsylvania. This proposed transportation agreement would facilitate Consolidated's proposed sale

for resale of natural gas to Baltimore Gas and Electric Company and Washington Gas Light Company.

For all gas transported and delivered, Applicant would charge Consolidated a monthly demand charge based upon the estimated annual cost of service for the facilities of \$2.9942 per dt equivalent of natural gas and an excess charge of \$0.0974 per dt for any additional quantities transported on an interruptible basis.

Comment date: September 27, 1985, in accordance with Standard Paragraph F at the end of this notice.

16. Transcontinental Gas Pipe Line Corporation

[Docket No. CP85-810-000]

Take notice that on August 21, 1985, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1396, Houston, Texas 77251, filed in Docket No. CP85-810-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas under Transco's certificate issued in Docket No. CP82-426-000 pursuant to section 7(c) of the Natural Gas Act on behalf of Progresso Quality Foods Corporation (Progresso), all as more fully set forth in the request which is on file with the Commission and open to public inspection.

It is stated that the natural gas to be transported would be purchased from Transco Energy Marketing Company and would be used in steam generation. Transco states that the subject gas was not committed or dedicated to interstate commerce on November 8, 1978. It is indicated that Transco would receive the gas at the tailgate of the Katy Exxon gas plant in Waller County, Texas, and would redeliver, on an interruptible basis, equivalent quantities (less quantities retained for compressor fuel and line loss make-up) to existing points of delivery with South Jersey Gas Company (South Jersey). In turn, South Jersey would redeliver such gas to Progresso's Vineland, New Jersey, plant.

Transco states that the peak day, average day and annual sales to be transported would be 1,000 dt equivalent of gas, 600 dt equivalent, and 219,000 dt equivalent, respectively. Transco states that the transportation service for Progresso would continue through October 31, 1985.

Transco states that on a peak day Progresso requires 950 Mcf for steam generation and 50 Mcf for space heating and hot water heating. Therefore, Transco indicates that the proposed

transportation volumes constitute all of the requirements at the plant.

Transco has submitted statements from GHR Pipeline Corporation and United Texas Transmission Company, intrastate transporters of the gas, indicating that they have sufficient capacity to transport the gas without detriment to their other customers.

Transco states that it would charge Progresso the currently applicable transportation rate in accordance with its Rate Schedule T-II, FERC Gas Tariff, Second Revised Volume No. 1. Transco indicates that currently the effective rate under that rate schedule is 44.81 cents per dt equivalent, including a 1.21 cent Gas Research Institute funding charge. In addition, Transco states that it would apply its current transportation policy to the subject transportation which, among other things, requires that Progresso periodically provide Transco with affidavits which state that the subject transportation is not displacing sales which Transco would otherwise make under any of its firm sales rate schedules.

Transco also requests flexible authority to add or delete sources of gas and/or receipt points. With respect to such flexible authority, Transco states that it would undertake within 30 days of the addition or deletion of any gas suppliers and/or receipt points, to file certain specified information with the Commission. Transco submits that any changes made pursuant to such flexible authority would be on behalf of the same end-user, Progresso, for use at the same end-use location and would remain within daily and annual volume levels proposed herein.

Comment date: October 21, 1985, in accordance with Standard Paragraph G at the end of this notice.

17. Transcontinental Gas Pipe Line Corporation

[Docket No. CP85-811-000]

Take notice that on August 21, 1985, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1896, Houston, Texas 77251, filed in Docket No. CP85-811-000 a request pursuant to § 157.205 of the regulations under the Natural Gas Act (NGA) (18 CFR 157.205) for permission and approval under the authorization issued in Docket No. CP82-426-000 pursuant to Section 7(b) of the NGA to abandon the service and facilities related to the sale and delivery of gas to Laurens Glass Works, Inc. (LGW), all as more fully set forth in the request on file with the Commission and open to public inspection.

Transco states that on March 21, 1952, in Docket No. G-1782, it was authorized to construct and operate metering facilities and to deliver gas to LGW, a direct sale customer, which gas Transco sold on an interruptible basis for use in LGW's glass plant in Laurens, South Carolina. On December 2, 1972, the gas sales service agreement between Transco and LGW expired by its terms and no service has occurred since that date, it is stated.

Comment date: October 21, 1985, in accordance with Standard Paragraph G at the end of this notice.

18. United Gas Pipe Line Company

[Docket No. CP85-809-000]

Take notice that on August 21, 1985, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP85-809-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Southern Natural Gas Company (Southern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a gas transportation agreement between the parties dated February 14, 1984, United proposes the transportation of up to 60,000 Mcf of natural gas per day attributable to production in East Cameron Area Block 240, offshore Louisiana, on behalf of Southern. It is stated that the gas would be delivered to Applicant at the outlet side of Sea Robin Pipeline Company's (Sea Robin) measuring station at or near the onshore terminus of Sea Robin's existing pipeline system near Erath, Vermillion Parish, Louisiana. Applicant states that it would redeliver equivalent quantities of gas to Southern at the existing point of interconnection at Southern's Shadyside compressor station near Bayou Sale, St. Mary Parish, Louisiana, and/or Perryville, Ouachita Parish, Louisiana, and/or the outlet side of Applicant's measuring station at the existing interconnection between Southern's 20-inch south Section 28 Main line and Applicant's existing 20-inch crossover in St. Martin Parish, Louisiana (South Section 28 redelivery point).

It is asserted that for each Mcf of natural gas redelivered at the aforesaid redelivery points, except the South Section 28 redelivery point, Applicant would charge Southern an amount equal to Applicant's Southern or Northern Zone rate in effect from time to time, as applicable, less cost for company-used gas. Applicant states that effective July

1, 1985, the rates in Applicant's Northern Zone is 37.79 cents per Mcf and in Applicant's Southern Zone is 26.18 cents per Mcf excluding cost of company-used gas.

It is further explained that Applicant and Southern are parties to an exchange agreement dated July 1, 1985, as amended, which provides, *inter alia*, for the exchange of gas by Southern and Applicant at various delivery points, including the South Section 28 redelivery point, on a fee free basis. Based on that exchange agreement, Applicant would not charge a rate to Southern for volumes delivered to Southern at the South Section 28 redelivery point.

Comment date: September 27, 1985, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protest filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Taken further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If not protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-21702 Filed 9-10-85; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PP 2G1241/T499; FRL-2894-3]

Methomyl; Renewal of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has renewed temporary tolerances for residues of the insecticide methomyl in or on certain raw agricultural commodities.

DATE: These temporary tolerances expire August 8, 1987.

FOR FURTHER INFORMATION CONTACT:

By mail: Jay Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.
Office location and telephone number:
Rm. 202, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA has renewed temporary tolerances for residues of the insecticide methomyl, S-methyl-N-[(methylcarbamoyl)oxy]thioacetimidate, in or on the raw agricultural commodities pineapples at 0.2 part per million (ppm) and pineapple forage at 1.0 ppm.

These tolerances were renewed in response to pesticide petition PP 2G1241, submitted by E.I. du Pont de Nemours and Co., Agricultural Chemicals Dept.,

Barley Mills Plaza, Wilmington, DE 19898.

The company has requested a 1-year renewal of the temporary tolerances to permit the continued marketing of the above raw agricultural commodities when treated in accordance with the provisions of experimental use permit 352-EUP-106, which is being renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136). The scientific data reported and other relevant material were evaluated, and it was determined that a renewal of the temporary tolerances will protect the public health. Therefore, the temporary tolerances have been renewed on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. E.I. du Pont de Nemours and Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance, and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire August 8, 1987. Residues not in excess of this amount remaining in or on the above raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

The Office of Management and Budget has exempted this notice from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

Authority: [21 U.S.C. 346a(f)]

Dated: August 29, 1985.

James W. Akerman,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 85-21487 Filed 9-10-85; 8:45 am]

BILLING CODE 6580-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-741-DR]

Major Disaster and Related Determinations; Mississippi

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Mississippi (FEMA-741-DR), dated September 4, 1985, and related determinations.

DATED: September 4, 1985.

FOR FURTHER INFORMATION CONTACT:

Sewal H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 646-3616.

Notice: Notice is hereby given that, in a letter of September 4, 1985, the President declared a major disaster under the authority of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 *et seq.*, Pub. L. 93-288), as follows:

I have determined that the damage in certain areas of the State of Mississippi resulting from Hurricane Elena and flooding beginning on or about September 2, 1985, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of Mississippi.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Pub. L. 93-288 for Public Assistance will be limited to 75 percent of total eligible costs in the designated area.

The time period prescribed for the implementation of section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, and redelegated to me, I hereby appoint Mr. Paul E. Hall of the Federal

Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Mississippi to have been affected adversely by this declared major disaster:

Harrison and Jackson Counties for Individual Assistance and Public Assistance. Hancock County as an adjacent county for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Samuel W. Speck,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 85-21669 Filed 9-10-85; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL MARITIME COMMISSION

Service to the Port of Portland, OR; Filing of Petition To Set Aside Order in Part

September 5, 1985.

Notice is hereby given that a petition has been filed by the Trans-Pacific Freight Conference of Japan and its member lines (petitioners) to set aside Ordering Paragraphs 2 and 3 of the Federal Maritime Commission's Order served October 29, 1973, in Docket No. 70-19, *Intermodal Service to Portland, Oregon* (17 FMC 141). The paragraphs which petitioners seek to have set aside require petitioners, except in emergency situations, to call at Portland directly by water on at least alternate sailings if they elect to provide indirect overland service to Portland, and stipulate that to the extent such indirect service is offered, that the applicable tariff provisions must assure that the service is made available to all similarly situated consignees.

In order for the Commission to make a thorough evaluation of the petition, interested persons are requested to submit views, arguments or data on the petition no later than October 7, 1985. Responses shall be directed to the Acting Secretary, Federal Maritime Commission, Washington, D.C. 20573, in an original and 15 copies. Responses shall also be served on counsel for petitioners: Charles F. Warren, Esq., Warren & Associates, P.C., 100 Connecticut Avenue NW., Washington, D.C. 20036.

Copies of the petition are available for examination at the Washington, D.C.,

office of the Commission, 1100 L Street, NW., Room 11101.

Bruce A. Dombrowski,
Acting Secretary.

[FR Doc. 85-21741 Filed 9-10-85; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bankvest, Inc., et al., Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. § 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than September 30, 1985.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Bankvest, Inc.*, Wilkes-Barre, Pennsylvania; to become a bank holding company by acquiring 38.99 percent of the voting shares of Peoples National Bank of Edwardsville, Edwardsville, Pennsylvania.

B. Federal Reserve Bank of Cleveland (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *First Security Corporation of Kentucky*, Lexington, Kentucky; to acquire 100 percent of the voting shares of Danville Bancorp, Inc., Danville, Kentucky. Comments on this application must be received not later than October 3, 1985.

C. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104

Marietta Street, N.W., Atlanta, Georgia 30303:

1. *B.P.C. Corporation*, Cookeville, Tennessee; to acquire 51 percent of the voting shares of Cumberland County Bank, Crossville, Tennessee.

2. *First Security Bankshares, Inc.*, Lavonia, Georgia; to acquire 100 percent of the voting shares of Bank of Hartwell, Hartwell, Georgia.

3. *SouthTrust Corporation*, Birmingham, Alabama; to acquire 100 percent of the voting shares of Peoples Bank and Trust Company of Sylacauga, Sylacauga, Alabama.

D. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Leland National Bancorp, Inc.*, Leland, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Leland National Bank, Leland, Illinois.

Comments on this application must be received not later than October 3, 1985.

2. *Putnam County Bancorp, Inc.*, Hennepin, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Putnam County Bank, Hennepin, Illinois.

E. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Anchor Bancorp, Inc.*, Wayzata, Minnesota; to acquire 51 percent of the voting shares of Exchange State Bank, St. Paul, Minnesota. Comments on this application must be received not later than October 3, 1985.

F. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Texas American Bancshares, Inc.*, Fort Worth, Texas; to acquire 100 percent of the voting shares of American State Bank, Fort Worth, Texas.

Board of Governors of the Federal Reserve System, September 5, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-21645 Filed 9-10-85; 8:45 am]

BILLING CODE 6210-01-M

Bellicorp, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding

company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under section 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 3, 1985.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Bellcorp, Inc.*, Manhattan, Kansas; to become a bank holding company by acquiring 80 percent of the voting shares of Citizens State Bancorp, Inc., Manhattan, Kansas.

Applicant has also applied to engage in acting as agent with respect to insurance limited to assuring repayment of the outstanding balance due on a specific extension of credit by a bank holding or its subsidiary in the event of the death or disability of the debtor, pursuant to section 4(c)(8)(A) of the Act.

Board of Governors of the Federal Reserve System, September 5, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-21648 Filed 9-10-85; 8:45 am]

BILLING CODE 6210-01-M

The HongKong and Shanghai Banking Corp.; Formation of; Acquisition by; or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than September 30, 1985.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *The HongKong and Shanghai Banking Corp.*, Hong Kong; to retain certain assets and liabilities of the failed Golden Pacific National Bank, New York, New York.

Board of Governors of the Federal Reserve System, September 5, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-21647 Filed 9-10-85; 8:45 am]

BILLING CODE 6210-01-M

Merchants National Corp. et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and

§ 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than October 3, 1985.

A. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Merchants National Corporation*, Indianapolis, Indiana; to acquire 100 percent of the voting shares of The Central National Bank of Greencastle, Greencastle, Indiana.

2. *Country Club Bancorporation, Inc.*, Country Club Hills, Illinois; to become a bank holding company by acquiring 80 percent or more of the voting shares of Heritage Bank of Country Club Hills, Country Club Hills, Illinois.

3. *The Indiana National Corporation*, Indianapolis, Indiana; to acquire 100 percent of the voting shares of Union Bank and Trust Company, Delphi, Indiana.

B. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *First American Bancshares, Inc.*, Baytown, Texas; to acquire 100 percent of the voting shares of 1st American Bank and Trust of Friendswood, Friendswood, Texas, a *de novo* bank. Comments on this application must be received not later than September 30, 1985.

Board of Governors of the Federal Reserve System, September 5, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-21648 Filed 9-10-85; 8:45 am]

BILLING CODE 6210-01-M

**National American Bancorp, Inc., et al.;
Applications To Engage de novo in
Permissible Nonbanking Activities**

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4 (c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that should be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 1, 1985.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *National American Bancorp, Inc.*, Towanda, Pennsylvania; to engage *de novo* through its subsidiary, National Security American Life Insurance Company, Phoenix, Arizona. The Company will be a credit life, accident and health insurer/reinsurer, licensed by the State of Arizona. It will act as a reinsurer of credit life, accident and health insurance issued by Security of

America Life Insurance Company in connection with extensions of credit made by the Applicant's subsidiary bank, pursuant to § 225.25(b)(9) of Regulation Y. The geographic area to be served is north central Pennsylvania.

B. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Peoples Financial Corporation*, Biloxi, Mississippi; to engage *de novo* through its subsidiary, PFC Service Corporation, Biloxi, Mississippi, in leasing of personal property pursuant to § 225.25(b)(5) of Regulation Y.

C. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Sloan State Corporation*, Sloan, Iowa; to engage *de novo* directly in making or acquiring loans and other extensions of credit such as would be made by a commercial financial company pursuant to § 225.25(b)(1) of Regulation Y. The geographic area to be served will be the States of Minnesota and Iowa.

Board of Governors of the Federal Reserve System, September 5, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-21649 Filed 9-10-85; 8:45 am]

BILLING CODE 6210-01-M

**DEPARTMENT OF HEALTH AND
HUMAN SERVICES**

Food and Drug Administration

[Docket No. 84N-0241]

**Availability of Working Draft of
National Shellfish Sanitation Program
Manual of Operations, Part II,
"Sanitation of the Harvesting and
Processing of Shellfish"**

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a working draft of the updated version of the National Shellfish Sanitation Program Manual of Operations, Part II, "Sanitation of the Harvesting and Processing of Shellfish." FDA has distributed this draft to State shellfish control officials, shellfish industry members, and other interested persons associated with the Interstate Shellfish Sanitation Conference (ISSC). The agency will provide the draft to other interested persons for review and comment upon request.

DATE: Comments by October 31, 1985.

ADDRESSES: The working draft is available for review at the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Copies of the draft are available from, and written comments should be addressed to, the Center for Food and Safety and Applied Nutrition, Shellfish Sanitation Branch (HFF-344), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0149. Requests should identify the document as "Working Draft of the Updated National Shellfish Sanitation Program Manual of Operations, Part II, 'Sanitation of the Harvesting and Processing of Shellfish.'"

FOR FURTHER INFORMATION CONTACT:

J. David Clem, Center for Food Safety and Applied Nutrition (HFF-344), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0149.

SUPPLEMENTARY INFORMATION: FDA is responsible for the Federal administration of the National Shellfish Sanitation Program (NSSP). The NSSP is a voluntary program involving State shellfish control agencies, the shellfish industry, and FDA. Through international bilateral agreements, seven foreign countries also participate in the NSSP.

The NSSP is concerned with the sanitary control of fresh and fresh frozen molluscan shellfish (oysters, clams, and mussels) offered for sale in interstate commerce. The program has been in existence since 1925. In the interest of assuring uniform administrative and technical control, the NSSP has developed and maintained recommended shellfish control practices. These control practices have been published in the form of a three part manual of operations. The last NSSP Manual of Operations was published in 1965.

In 1982, interested State officials and members of the shellfish industry formed the ISSC. The purpose of ISSC is to provide a formal structure wherein State regulatory authorities can establish updated guidelines for shellfish controls that will assure sources of safe and sanitary shellfish. The ISSC establishes procedures for the uniform application of those guidelines. Those persons interested in obtaining more information about the ISSC should contact Mr. Richard Thompson, Chairman, Interstate Shellfish Sanitation Conference, 2902 Dillon Hill Dr., Austin, TX 78745, phone c/o Texas Department of Health, 512-458-7510.

FDA and ISSC entered into a memorandum of understanding in March 1984 (see 49 FR 12751; March 30, 1984). This agreement provides, among other things, that FDA will publish revisions to the NSSP Manual of Operations. FDA provided additional information about its efforts to review the NSSP Manual of Operations in the Federal Register of February 28, 1985 (50 FR 7797).

In the Federal Register of August 8, 1984 (49 FR 31774), FDA announced the availability of a working draft of the National Shellfish Sanitation Program Manual of Operations, Part I, "Sanitation of Shellfish Growing Areas." FDA received numerous comments on that draft that were reviewed by the agency and by an appointed ISSC committee. On July 8, 1985 (50 FR 27850), FDA announced the availability of the second draft of Part I of the National Shellfish Sanitation Program Manual of Operations, "Sanitation of Shellfish Growing Areas."

FDA is now announcing the availability of a working draft of Part II of the National Shellfish Sanitation Program Manual of Operations, "Sanitation of the Harvesting and Processing of Shellfish." FDA is revising this portion of the Manual of Operations to expand and to update it in light of current industry practices, State and Federal regulatory responsibilities, and public health concerns that are not adequately addressed under current guidelines. FDA expects to discuss the draft with ISSC representatives during the comment period. Persons who have comments on the working draft may submit those comments to FDA at the address listed above.

Dated: September 4, 1985.

Robert L. Spencer,
Acting Associate Commissioner for
Regulatory Affairs.
[FR Doc. 85-21635 Filed 9-10-85; 8:45 am]
BILLING CODE 4160-01-M

[Docket No. 80P-0403 et al.]

Availability of Approved Variances for Laser Light Shows

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that variances from the performance standard for laser products have been approved by FDA's Center for Devices and Radiological Health (CDRH) for two organizations that manufacture and produce laser light shows, light show projectors, or both. The projectors provide a laser light display to produce a variety of special lighting effects. The principal use of these products is to provide entertainment to general audiences.

DATES: The effective dates and termination dates of the variances are listed in the table below under "SUPPLEMENTARY INFORMATION."

ADDRESS: The applications and all correspondence on the applications have been placed on display in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Tracy Summers, Center for Devices and Radiological Health (HFZ-84), Food and

Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4874.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4) of the regulations governing establishment of performance standards under section 358 of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f), FDA has granted each of the two organizations listed in the table below a variance from § 1040.11(c) (21 CFR 1040.11(c)) of the performance standard for laser products.

Each variance permits the listed manufacturer to introduce into commerce a demonstration laser product assembled and produced by the manufacturer, which is its particular variety of laser light show, laser light show projector, or both. Each laser product involves levels of accessible laser radiation in excess of Class II levels but not exceeding those required to perform the intended function of the product.

CDRH has determined that suitable means of radiation safety and protection are provided by constraints on the physical and optical design, by warnings in the user manual and on the products, and by procedures for personnel who will operate the products. Therefore, on the effective dates specified in the table below, FDA approved the requested variances by letter to each manufacturer from the Deputy Director of CDRH.

So that each product may show evidence of the variance approved for the manufacturer of the product, each product shall bear on the certification label required by § 1010.2(a) (21 CFR 1010.2(a)) a variance number, which is the FDA docket number, and the effective date of the variance as specified in the table below.

Docket No.	Organization granted the variance	Demonstration laser product	Effective date—termination date
80P-0403 (extension)	Interscope, Inc., P.O. Box 189, Brighton, Massachusetts 02135.	Interscope, Inc. Laser Light Shows produced by Interscope, Inc. using the Model 100-01 Krypton, Argon, and/or HeNe laser projector manufactured by Brian B. O'Brien.	Sept. 29, 1983-Sept. 29, 1985.
85V-0207	N-Light-N-Ment Industries, Inc., 348 East 50th Street, New York, New York 10022.	Model 01 Variable Distance Large/Small Frame Laser Projection System family incorporating Class IV Argon and/or Krypton lasers and for laser light shows assembled and produced with the above family of projectors by N-Light-N-Ment Industries, Inc.	July 2, 1985-July 2, 1987.

In accordance with § 1010.4, the application and all correspondence on the application have been placed on public display under the designated docket number in the Dockets Management Branch (address above) and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Public Health Service Act as amended by the Radiation Control for Health and Safety

Act of 1968 (sec. 358, 82 Stat. 1177-1179 (42 U.S.C. 263f)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.86).

Dated: September 3, 1985.
John C. Villforth,
Director, Center for Devices and Radiological Health.
[FR Doc. 85-21628 Filed 9-10-85; 8:45 am]
BILLING CODE 4160-01-M

[Docket No. 85M-0402]

CILCO, Inc.; Premarket Approval of CILCO Nd: YAG Ophthalmic Laser

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by CILCO, Inc., Huntington, WV, for premarket

approval, under the Medical Device Amendments of 1976, of the CILCO Nd:YAG Ophthalmic Laser. After reviewing the recommendation of the Ophthalmic Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

DATE: Petitions for administrative review by October 11, 1985.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Philip J. Phillips, Center for Devices and Radiological Health (HFZ-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-8221.

SUPPLEMENTARY INFORMATION: On December 17, 1984, CILCO, Inc., Huntington, WV 25701, submitted to CDRH an application for premarket approval of the CILCO Nd:YAG Ophthalmic Laser. The device is a neodymium:yttrium-aluminum-garnet (Nd:YAG) ophthalmic laser that is indicated for dissection of the posterior capsule of the eye (posterior capsulotomy). On February 7, 1985, the Ophthalmic Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On August 2, 1985, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file with the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Philip J. Phillips (HFZ-460), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or

a review of the application and of CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the *Federal Register*. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before October 11, 1985, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554-555, 571 (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: September 4, 1985.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 85-21832 Filed 9-10-85; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 85M-0416]

Clini-Therm Corp.; Premarket Approval of the Mark I/IV Hyperthermia System

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Clini-Therm Corp., Dallas, TX, for premarket approval, under the Medical Device Amendments of 1976, of the Mark I/IV Hyperthermia System. After reviewing the recommendation of the Radiologic Devices Panel, FDA's Center for Devices and Radiological Health (CDRH)

notified the applicant of the approval of the application.

DATE: Petitions for administrative review by October 11, 1985.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Robert A. Phillips, Center for Devices and Radiological Health (HFZ-430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7514.

SUPPLEMENTARY INFORMATION: On October 25, 1984, Clini-Therm Corp., Dallas, TX 75243, submitted to CDRH an application for premarket approval of the Mark I/IV Hyperthermia System. The device is an external microwave hyperthermia device. The Mark I is the basic treatment system. The microwave power level is controlled manually by the operator. The Mark IV system is the same basic system as the Mark I with the addition of computer control for the microwave power level and a colorgraphic display and printer. The Mark I/IV Hyperthermia System is indicated for combined use with radiotherapy in the palliative management of certain malignant solid surface and subsurface tumors (i.e., epidermoid, squamous cell or transitional cell carcinoma, adenocarcinoma, sarcoma, or melanoma) that are recurrent or progressive despite conventional therapy. On April 15, 1985, the Radiologic Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On August 18, 1985, CDRH approved the application by letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file with the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Robert A. Phillips (HFZ-430), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21

U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the *Federal Register*. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before October 11, 1985, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554-555, 571 (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: September 4, 1985.

John C. Villforth,
Director, Center for Devices and Radiological Health.

[FR Doc. 85-21633 Filed 9-10-85; 10:16 am]

BILLING CODE 4160-01-M

[Docket No. 85M-0386]

Medical™, Inc.; Premarket Approval of the Omniscience® Cardiac Valve Prosthesis

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Medical™, Inc., Inver Grove Heights, MN, for premarket approval, under the Medical Device Amendments of 1976, of the Omniscience® Cardiac Valve Prosthesis. After reviewing the recommendation of the Circulatory System Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

DATE: Petitions for administrative review by October 11, 1985.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William G. Letzing, Center for Devices and Radiological Health (HFZ-450), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7594.

SUPPLEMENTARY INFORMATION: On June 12, 1984, Medical™, Inc., Inver Grove Heights, MN 55075, submitted to CDRH an application for premarket approval of the Omniscience® Cardiac Valve Prosthesis. The device is indicated for use as a replacement for a diseased, damaged, or malfunctioning aortic or mitral heart valve. Test results indicate that, when used the proper anticoagulant therapy, the device is a safe and effective replacement heart valve. On November 5, 1984, the Circulatory System Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On May 3, 1985, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact William G. Letzing (HFZ-450), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under

section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the *Federal Register*. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before October 11, 1985, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Reviewed petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554-555, 571 (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: September 4, 1985.

John C. Villforth,
Director, Center for Devices and Radiological Health.

[FR Doc. 85-21629 Filed 9-10-85; 8:45 am]

BILLING CODE 4160-01-M

National Institutes of Health

National Eye Institute; National Advisory Eye Council; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Eye Council, National Eye Institute (NEI), September 23-24, 1985, Building 31, Conference Room 8, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public from 9:00 a.m. until approximately 12:00 noon on Monday, September 23. Following opening remarks by the Director, National Eye Institute, members of the NEI staff will give reports on the following: (1) FY85 and FY86 budget status, (2) program planning, and (3) the status of the NEI's Small Grant Program.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from approximately 12:00 noon until recess on Monday, September 23 and from 9:00 a.m. to adjournment on Tuesday, September 24, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Kay Valeda, Committee Management Officer, National Eye Institute, Building 31, Room 6A03, National Institutes of Health, Bethesda, Maryland 20205 (301) 496-4903, will provide summaries of meetings and rosters of committee members.

Dr. Ronald G. Geller, Associate Director for Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A03, National Institutes of Health, Bethesda, Maryland 20205 (301) 496-4903, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs, Nos. 13.867, Retinal and Choroidal Diseases Research; 13.868, Corneal Diseases Research; 13.869, Cataract Research; 13.870, Glaucoma Research; and 13.871, Sensory and Motor Disorders of Visual Research; National Institutes of Health.

Dated: September 3, 1985.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 85-21790 Filed 9-10-85; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Issuance of Permit Amendment for Incidental Take of Endangered Species

On July 11, 1985, a notice was published in the Federal Register (50 FR 28289) that an application for an

amendment to PRT 2-9818, which was issued to the County of San Mateo, CA and the Cities of South San Francisco, Dale City and Brisbane on March 4, 1983, for the incidental taking of mission blue and San Bruno elfin butterflies and San Francisco garter snakes, had been received from the County of San Mateo and the City of South San Francisco under section IX of the agreement to that permit.

The amendment was requested in order to perform work necessary to remedy landslide hazards in the South Slope Development area and allow temporary disturbance to an additional 25 acres of conserved habitat of the mission blue butterfly. Mitigation for the amendment would include a developer-funded program to control exotic plant species in an area of good quality butterfly habitat located elsewhere on San Bruno Mountain.

Notice is hereby given that on August 30, 1985, as authorized by the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1539), as amended, the U.S. Fish and Wildlife Service issued the above amendment to PRT 2-9818, subject to certain conditions set forth therein.

The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's Permit Office in Room 605, 1000 North Glebe Road, Arlington, Virginia 22201.

Dated: September 5, 1985.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 85-21644 Filed 9-10-85; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

New Mexico; Public Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting and a request for public comment on the proposed McKinley County Coal Fee Exchange.

SUMMARY: The following Federal coal interests have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, Pub. L. 94-579, 43 U.S.C. 1716:

New Mexico Principal Meridian

T. 15 N., R. 7 W.,
Sec. 18, Lots 1 through 4, E½, E½W½;
Sec. 20, All;
Sec. 22, Lots 1 and 5, NE¼, E½NW¼;
Sec. 28, NE¼NE¼, W½NE¼, NW¼,
N¼SW¼;
Sec. 30, Lots 1 through 4, E½, E½W½.

T. 15 N., R. 8 W.,
Sec. 22, S½NE¼, S½;
Sec. 24, All;
Sec. 26, All;
Sec. 28, E½NE¼, SE¼SW¼, SE¼;
Sec. 34, N½.

Containing 4,830.85 acres of Federal coal.

In exchange for coal interests in these lands, the United States will acquire from Cerrillos Land Company (CLC), a wholly-owned subsidiary of Santa Fe Southern Pacific Corporation, coal interests in the following described lands:

New Mexico Principal Meridian

T. 15 N., R. 6 W.,
Sec. 19, Lots 1 through 4;
Sec. 29, Lots 1 through 8, W½E½, W½.
T. 15 N., R. 7 W.,
Sec. 3, All;
Sec. 9, NE¼;
Sec. 11, W½.
T. 16 N., R. 7 W.,
Sec. 23, S½SW¼, SW¼SE¼;
Sec. 27, Lots 1 through 8, NE¼, NE¼NW¼,
S½NW¼, N½S½;
Sec. 33, E½NE¼, NE¼SE¼;
Sec. 35, W½NW¼, SW¼, W½SE¼.
T. 15 N., R. 8 W.,
Sec. 5, Lots 3 and 4, S½NW¼, S½;
Sec. 7, Lot 1, NE¼, E½NW¼, N½SE¼,
SE¼SE¼;
Sec. 17, NE¼NE¼, W½NE¼, NW¼,
NW¼SW¼, E½SW¼, W½SE¼,
SE¼SE¼.
T. 16 N., R. 8 W.,
Sec. 21, All;
Sec. 29, All;
Sec. 31, E½, SE¼NW¼, E½SW¼.

Containing 6,280.17 acres of CLC coal.

There is no intent to exchange the surface, oil and gas, or other mineral rights associated with the affected lands.

In addition, Cerrillos further agrees to transfer to the United States other reserved mineral estates in the Chaco Cultural National Historic Park and certain outlying archaeological protection sites in the following described lands:

I. Park Additions

A. Southern Addition (02-129)

T. 21 N., R. 11 W.,
Sec. 21, All;
Sec. 22, All;
Sec. 23, All;
Sec. 25, All;
Sec. 26, NE¼.

B. Northern Addition (02-116)

T. 21 N., R. 10 W.,
Sec. 9, All.

C. Chacra Mesa

T. 21 N., R. 10 W. (02-113),
Sec. 33, that portion within the E½ of Sec. 33 lying north and east from the 6,400' mean sea level elevation, contour line.
T. 20 N., R. 10 W. (02-101).

Sec. 3, that portion within the NE $\frac{1}{4}$ of Sec. 3 lying northeasterly from the 6,400' mean sea level elevation, contour line.

T. 20 N., R. 10 W. (02-101), Sec. 12, that portion within the northern $\frac{1}{4}$ and southeastern $\frac{1}{4}$ of Sec. 12 which lies northeasterly from the 6,400' mean sea level elevation, contour line.

II. Outlying Archaeological Protection Sites

A. Toh-la-kai

T. 17 N., R. 18 W.,
Sec. 33, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.

B. Indian Creek

T. 20 N., R. 13 W.,
Sec. 7, W $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$.

C. Bee Burrow

T. 19 N., R. 11 W.,
Sec. 29, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

D. Upper Kin Klizhin

T. 20 N., R. 11 W.,
Sec. 22, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 23, W $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.

E. Kin Nizhoni

T. 13 N., R. 9 W.,
Sec. 9, that portion of the E $\frac{1}{2}$ which lies north of the Ambrosia Lake Road right-of-way; and the easterly 380 feet of the E $\frac{1}{2}$ W $\frac{1}{2}$ which lies north of the Ambrosia Lake Road right-of-way.

F. Haystack

T. 13 N., R. 10 W.,
Sec. 21, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.

G. Andrews Ranch

T. 14 N., R. 11 W.,
Sec. 33, All.
Containing 4,893.08 acres in Chaco Park and outliers.

The value of the coal interests and the value of the other reserved mineral interests to the United States is greater than the value of the Federal land selected. Cerrillos has agreed to exchange all of its offered land without additional compensation from the United States.

The purpose of the exchange is to provide better land management by blocking up the existing checkerboard coal ownership pattern. The Department of Justice will review the antitrust considerations of the exchange application.

Meeting: The Bureau of Land Management will hold two informal information sessions to discuss the exchange proposal. Each session will be followed by a formal public meeting. The public is invited to submit comments on all public interest factors, including the antitrust consequences. Oral and written comments will also be accepted at the public meeting. Individuals wishing to comment orally are asked to provide written copies of their remarks, if possible. Written

comments should be addressed to the State Director, Bureau of Land Management, New Mexico State Office, P.O. Box 1449, Santa Fe, New Mexico 87501. Written comments will be accepted until close of business October 24, 1985. At the conclusion of the comment period and public meeting, all written submissions and a transcript of the meeting will be forwarded to the Department of Justice for review of the antitrust consequences of the proposed exchange.

DATE: Two meetings will be held on October 17, 1985. An informal information session will be held from 1:30 p.m. to 2:30 p.m. The public meeting will commence at 2:30 p.m. In the evening another informal information session will be from 6:30 p.m. to 7:30 p.m., with the public meeting starting at 7:30 p.m.

ADDRESS: The meetings will be held at: the Classic Hotel, Ambassador Room, 6815 Menaul Blvd., NE, Albuquerque, New Mexico.

FOR FURTHER INFORMATION CONTACT: Russell Jentgen, Chief, Branch of Solid Minerals, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501. Telephone (505) 988-6109, (FTS) 476-6109.

Dated: September 3, 1985.

Monte G. Jordan,

Associate State Director.

[FR Doc. 85-21631 Filed 9-10-85; 8:45 am]

BILLING CODE 4310-FB-M

[U-50355]

Utah; Proposed Reinstatement of Terminated Oil and Gas Lease

In accordance with Title IV of the Federal Oil and Gas Royalty Management Act (Pub. L. 97-451), a petition for reinstatement of oil and gas lease U-50355 for lands in Carbon County, Utah, was timely filed and required rentals and royalties accruing from May 1, 1985, the date of termination, have been paid.

The lessee has agreed to new lease terms for rentals and royalties at rates of \$7 per acre and 16 $\frac{1}{2}$ percent, respectively. The \$500 administrative fee has been paid and the lessee has reimbursed the Bureau of Land Management for the cost of publishing this Notice.

Having met all the requirements for reinstatement of lease U-50355 as set out in section 31 (d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease, effective May 1, 1985, subject to the

original terms and conditions of the lease and the increased rental and royalty rates cited above.

Orval L. Hadley,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 85-21637 Filed 9-10-85; 8:45 am]

BILLING CODE 4310-DQ-M

Wyoming; Bairol/Dakota CO₂ Project

AGENCY: Bureau of Land Management (BLM), Department of the Interior

ACTION: Notice of availability of the draft environmental impact statement (DEIS).

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, BLM has prepared a DEIS for the proposed Bairol/Dakota CO₂ Project.

SUPPLEMENTARY INFORMATION: The DEIS analyzes three CO₂ projects. Exxon Company, USA applied for rights-of-way permit to build and operate a CO₂ pipeline from near Rock Springs, Wyoming, to Tioga, North Dakota. Amoco Production Company applied for rights-of-way for a CO₂ pipeline from near Rock Springs to Bairol, Wyoming, plus a gas separation plant and various product pipelines and tank facilities at Bairol. Shell Pipe Line Corporation applied for rights-of-way for a CO₂ distribution pipeline on the Cedar Creek Anticline near Baker, Montana. Each project would include various ancillary facilities.

DATES: The DEIS will be released September 13, 1985. Written comments on the adequacy of the DEIS will be accepted until November 12, 1985. Public hearings on the DEIS will be held by the BLM at the following locations and times:

Crawford Room, Natrona County Library, 307 East Second Street, Casper, Wyoming—October 22, 1985, 7 p.m.

Library Basement, 6 West Fallon Avenue, Baker, Montana—October 23, 1985, 7 p.m.

Gate City Building Community Room, 204 Sims Street, Dickinson, North Dakota—October 24, 1985, 7 p.m.

The public hearing in Montana will be held jointly by BLM and the State of Montana Department of Natural Resources. Testimony concerning the adequacy of the DEIS will be accepted at these hearings. Interested individuals, representatives of organizations, and public officials wishing to testify are requested to contact the Division of EIS Services for advance registration by 4

p.m., October 9, 1985. Registration will also be accepted at the door.

FOR FURTHER INFORMATION CONTACT: Janis L. VanWyhe, Bureau of Land Management, Division of EIS Services, 555 Zang Street, First Floor East, Denver, Colorado 80228, (303) 236-1080.

Copies of the DEIS may be obtained at the above address. Copies of the DEIS may be inspected and a limited number of single copies may be obtained at the following addresses.

Bureau of Land Management, Public Affairs, Interior Building, Room 5600, 18th and C Street, NW., Washington, D.C. 20240

Bureau of Land Management, Casper District Office, 951 N. Poplar Street, Casper, Wyoming 82601

Bureau of Land Management, Wyoming State Office, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82003

Bureau of Land Management, Rawlins District Office, P.O. Box 670 1300 Third Street, Rawlins, Wyoming 82301

Bureau of Land Management, Big Sandy Resource Area, P.O. Box 1170, 79 Winston Drive, Rock Springs, Wyoming 82902-1170

Bureau of Land Management, Dickinson District Office, P.O. Box 1229, Dickinson, North Dakota 58602

Bureau of Land Management, Miles City District Office, West of Miles City, P.O. Box 940 Miles City, Montana 59301.

Hillary A. Oden,
State Director.

[FR Doc. 85-21708 Filed 9-10-85; 8:45 am]

BILLING CODE 4310-22-M

Lewistown District Advisory Council; Meeting

SUMMARY: The Lewistown District Advisory Council will meet October 1, 1985. From approximately 8:30 a.m. until 5:00 p.m. the Council will tour the Rocky Mountain Front, west and north of Great Falls, Montana. Beginning at 7:00 p.m., the Council will meet at the Circle 8 Guest Ranch west of Choteau, Montana. The Council will consider the following issues associated with the Rocky Mountain Front: threatened and endangered species, oil and gas development, land adjustment, and relationships with other agencies and landowners.

The tour will leave from the Circle 8 Guest Ranch. Because of limited capacity, members of the public who wish to participate in the tour must furnish their own transportation and must preregister with the District Manager no later than September 26, 1985.

Public comment will be sought during the evening meeting.

DATE: October 1, 1985, 8:30 a.m. to 5:00 p.m. and 7:00 p.m. to 9:00 p.m.

ADDRESS: Circle 8 Guest Ranch, Choteau, Montana.

FOR FURTHER INFORMATION CONTACT: Glenn W. Freeman, District Manager, Bureau of Land Management, Lewistown, Montana 59457. Telephone Number: 406-538-7461.

SUPPLEMENTARY INFORMATION: The Lewistown Advisory Council is authorized under section 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1739). The Council advises the District Manager concerning the planning for the management of the public lands administered within the Lewistown District.

Dated: September 3, 1985.

Glenn W. Freeman,
District Manager.

[FR Doc. 85-21711 Filed 9-10-85; 8:45 am]

BILLING CODE 4310-DN-M

Environmental Statements; Availability; Floy Canyon Wilderness Study Area, UT

AGENCY: Bureau of Land Management, Moab, Utah, Interior.

ACTION: Notice of 30-day comment period on a draft Environmental Assessment analyzing impacts of a proposed action in the Floy Canyon Wilderness Study Area (WSA).

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Land Policy and Management Act, section 603, and the Bureau's Interim Management Policy, notice is hereby given of a 30-day public comment period on a draft Environmental Assessment starting with publication of this notice on the following action:

WSA Name: Floy Canyon

WSA Number: UT-060-068B

Proposed Action: Issue a commercial special recreation permit to Larry Allen of Hotchkiss, Colorado to conduct guided hunts for licensed hunters into the Floy Canyon WSA during the general and muzzleloader deer seasons.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Grand Resource Area, P.O. Box M, Moab, Utah 84532. A copy of the draft Environmental Assessment is available upon request. September 4, 1985.

Gene Nodine,
District Manager.

[FR Doc. 85-21836 Filed 9-10-85; 8:45 am]

BILLING CODE 4310-DQ-M

Minerals Management Service

[FES 85-32]

Alaska Offshore; Availability of the Final Environment Impact Statement for Proposed Oil and Gas Lease Sale 92 in the North Aleutian Basin

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Minerals Management Service has prepared a final environmental impact statement (EIS) for proposed oil and gas Lease Sale 92 in the North Aleutian Basin.

Single copies of the final EIS can be obtained from the Office of the Regional Director, Minerals Management Service, Alaska Region, P.O. Box 101159, Anchorage, Alaska 99510.

Copies of the final EIS will also be available for inspection in the following public libraries: Alaska Federation of Natives, Suite 304, 1577 O Street, Anchorage, AK; Anchor Point Public Library, Anchor Point, AK; Department of the Interior Resource Library, Box 36, 701 C Street, Anchorage, AK; Cordova Public Library, Box 472, Cordova, AK; Kenai Community Library, Box 157, Kenai, AK; Elim Learning Center, Elim, AK; Haines Public Library, P.O. Box 36, Haines, AK; North Star Borough Library, Fairbanks, AK; University of Alaska, Institute of Social and Economic Research Library, Fairbanks, AK; Homer Public Library, Box 356, Homer, AK; Z.J. Loussac Public Library, 427 F Street, Anchorage, AK; Juneau Memorial Library, 114 W. 4th Street, Juneau, AK; Alaska State Library, Documents Librarian, Pouch G, Juneau, AK; Ketchikan Public Library, 629 Dock Street, Ketchikan, AK; Department of Defense, Army Corps of Engineers Library, P.O. Box 7002, Anchorage, AK; Kodiak Public Library, P.O. Box 985, Kodiak, AK; Metlakatla Extension Center, Metlakatla, AK; Department of the Interior, Bureau of Mines Library, AF-F.O. Center, P.O. Box 550, Juneau, AK; Petersburg Extension Center, Box 289, Petersburg, AK; Seldovia Public Library, Drawer D, Seldovia, AK; Seward Community Library, Box 537, Seward, AK; University of Alaska Juneau Library, P.O. Box 1447, Juneau, AK; Sitka Community Library, Box 1090, Sitka, AK; Douglas Public Library, Box 469, Douglas, AK; University of Alaska Anchorage Library, 3211 Providence Drive, Anchorage, AK; University of Alaska Elmer E. Rasmuson Library, Fairbanks, AK; and Wrangell Extension Center, Box 651, Wrangell, AK.

Dated: September 6, 1985.

William D. Bettenberg,

Director, Minerals Management Service.

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 85-21679 Filed 9-10-85; 8:45 am]

BILLING CODE 4310-MR-M

Outer Continental Shelf; Development Operations Coordination Document; Kerr-McGee Corp.

AGENCY: Minerals Management Service; Interiors.

ACTION: Notice of the receipt of a proposed development operations coordination document (DOCD)

SUMMARY: Notice is hereby given that Kerr-McGee Corporation has submitted a DOCD describing the activities it proposes to conduct on Lease OCS 0828, Block 15, Ship Shoal Area, offshore Louisiana. Proposed plans for the above area provided for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Morgan City, Louisiana.

DATE: The subject DOCD was deemed submitted on August 30, 1985.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Ms. Angie Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: September 3, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85-21716 Filed 9-10-85; 8:45 am]

BILLING CODE 4310-MR-M

Outer Continental Shelf; Development Operations Coordination Document; Shell Offshore Inc.

AGENCY: Minerals Management Service; Interior.

ACTION: Notice of the receipt of a proposed development operations coordination document (DOCD).

SUMMARY: Notice is hereby given that Shell Offshore Inc. has submitted a DOCD describing the activities it proposes to conduct on Leases OCS-G 7779, 7780, and 7783, Blocks 275, 276, and 296, respectively, South Timbalier Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Venice, Louisiana.

DATE: The subject DOCD was deemed submitted on August 30, 1985. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS

Land Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: September 3, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85-21717 Filed 9-10-85; 8:45 am]

BILLING CODE 4310-MR-M

Outer Continental Shelf; Development Operations Coordination Document; Tenneco Oil Exploration and Production

AGENCY: Minerals Management Service; Interior.

ACTION: Notice of the receipt of a proposed development operations coordination document (DOCD).

SUMMARY: Notice is hereby given that Tenneco Oil Exploration and Production has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 4387, Block 91, West Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Sabine Pass, Texas.

DATE: The subject DOCD was deemed submitted on September 3, 1985. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of

the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, *Attention OCS Plans*, Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0875.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana coastal resources program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: September 3, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85-21718 Filed 9-10-85; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Trail Markers; Missouri et al

AGENCY: National Park Service, Interior.
ACTION: Marking of designated national historic trail route and notice of intent to secure service mark registration of the trail marker symbol.

In the matter of Missouri, Kansas, Nebraska, Wyoming, Idaho, Oregon, and Washington: Intent to utilize trail markers bearing a distinctive symbol to mark segments of the Oregon National Historic Trail and intent thereby to establish use of the marker symbol for purposes of securing service mark registration.

SUMMARY: This notice is to advise that the National Park Service will proceed to implement plans for the marking of the Oregon National Historic Trail route established as a component of the National Trails System by Pub. L. 95-625 of November 10, 1978. Implementation will establish official use of the specific trail marker symbol design (figure 1) for purposes of securing trademark registration of the design.

Further, notice is given that, under section 701 of Title 18 of the United States Code, whoever manufactures, sells, or possesses any badge, identification card, or other insignia of the design herein prescribed, or any colorable imitation thereof, or photographs, prints, or in any other manner makes or executes any engraving, photograph, print, or impression in the likeness of any such badge, identification card, or other insignia or any colorable imitation thereof, except as authorized under regulations made pursuant to law, shall be fined not more than \$250 or imprisoned not more than six months, or both.

DATE: Action described will commence September 11, 1985.

FOR FURTHER INFORMATION CONTACT: Written comments should be sent to: Regional Director, Pacific Northwest Region, National Park Service, Westin Bldg., 2001 6th Avenue, Seattle, Washington 98121, (206) 442-5565.

SUPPLEMENTARY INFORMATION: Uniform marking of each national historic trail with an appropriate and distinctive symbol is required under provisions of section 7(c) of the National Trails System Act, Pub. L. 90-543 as amended (82 Stat. 919; 16 U.S.C. 1214 et seq.). In order to prevent proliferation of the distinctive symbol, (figure 1) approved by the Oregon National Historic Trail Advisory Council, and to assure against its use for other than the purpose of marking the historic trail route the National Park Service will proceed to secure service mark registration under section 1115 of Title 15 of the United States Code through specific use identifying to the public the designated trail route and the services provided by the National Park Service in establishing and maintaining such route.

Trail markers bearing the symbol will be erected at appropriate points where the Oregon National Historic Trail route crosses lands administered by Federal agencies and will be maintained by each Federal agency in accordance with standards established by the Secretary of the Interior. Where the Oregon National Historic Trail route crosses non-Federal lands written cooperative agreements will be entered into with State and local Government agencies for lands under their administration and with private landowners for the erection and maintenance of trail markers to be provided by the Secretary.

Dated: August 30, 1985.

Mary Lou Grier,

Acting Director, National Park Service.



Figure 1

[FR Doc. 85-21597 Filed 9-10-85; 8:45 am]

BILLING CODE 4310-70-M

Draft General Management Plan; Public Meeting

The National Park Service, U.S. Department of the Interior, is holding a public meeting to review the Draft General Management Plan for the Boston African American National Historic Site, Beacon Hill, Boston, MA. The general public is hereby notified to attend the open meeting at Suffolk University, Munce Conference Room (Rm. 110), Archer Building, 20 Derne Street, Boston, MA, on Thursday, September 26 at 7 p.m. Testimony and comments will be taken. For information contact Site Manager, Boston African American National Historic Site, 15 State St., Boston, MA 02109 (617) 742-5415.

Steven H. Lewis,

Acting Regional Director, North Atlantic Region, National Park Service, U.S. Department of the Interior.

[FR Doc. 21690 Filed 9-10-85; 8:45 am]

BILLING CODE 4310-70-M

Bureau of Reclamation

[INT-DES 85-40]

Green Mountain Reservoir Water Marketing Program, Colorado; Availability of Draft Supplement to the Final Environmental Statement for Big Thompson, Windy Gap Projects

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior has prepared a draft supplement to the Colorado—Big Thompson, Windy Gap Projects, Colorado, Final Environmental Statement (INT-FES81-20). This proposed water marketing program would provide for future water demands that include industrial (oil shale and snowmaking), municipal, irrigation, recreation, fish and wildlife, and power out of Green Mountain Reservoir.

This supplement arrays three levels of water sales in addition to the no-action

alternative for Green Mountain Reservoir. Written comments may be submitted to the Regional Director by the date stamped in the draft supplement to the final environmental statement.

Copies of the statement are available for inspection at the following locations:

Director, Office of Environmental Affairs, Room 7425, Bureau of Reclamation, Washington, D.C. 20240, Telephone: (202) 343-4991
Division of Management Support, Library Section, Code 962, Engineering and Research Center, Denver Federal Center, Denver, Colorado 80225, Telephone: (303) 236-5972
Regional Director, Bureau of Reclamation, PO Box 25247, Building 20, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 236-0688

Eastern Colorado Project Office, Bureau of Reclamation, 955 Wilson Avenue, PO Box 449, Loveland, Colorado 80539, Telephone: (303) 667-4410

Libraries

Glenwood Spring Branch Library, 806 Cooper Avenue, Glenwood Springs, Colorado 81601
University of Colorado Library, Boulder Campus, Boulder, Colorado 80302
Colorado State University Library, Fort Collins, Colorado 80523.

Single copies of the draft supplement to the final environmental statement may be obtained on request to the Director, Office of Environmental Affairs or the Regional Director at the above addresses. Please refer to the statement number.

Dated: September 6, 1985.

Bruce Blanchard,

Director, Office of Environmental Project Review.

[FR Doc. 85-21729 Filed 9-10-85; 8:45 am]

BILLING CODE 4310-09-M

INTERNATIONAL TRADE COMMISSION

(Investigation No. 337-TA-222)

Certain Automotive Visor/Illuminated Mirror Packages and Components Thereof; Initial Determination Terminating Respondents on the Basis of Settlement Agreement**AGENCY:** International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondents on the basis of a settlement agreement: Customs Accessories, Inc. (Custom), Rally Accessories, Inc. (Rally), Walgreen Company (Walgreen), Allied Accessories and Auto Parts, Inc. (Allied), Cobbs Manf. Co. (Cobbs).

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on August 30, 1985.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Written Comments

Interested persons may file written comments with the Commission concerning termination of the aforementioned respondents. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the Federal Register. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either

accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

Issued: September 3, 1985.

By Order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 85-21695 Filed 9-10-85; 8:45 am]

BILLING CODE 7020-02-M

(Investigation No. 731-TA-282 (Preliminary))

Candles From the People's Republic of China**AGENCY:** International Trade Commission.

ACTION: Institution of a preliminary antidumping investigation and scheduling of a conference to be held in connection with the investigation.

SUMMARY: The Commission hereby gives notice of the institution of preliminary antidumping investigation No. 731-TA-282 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from the People's Republic of China of candles of petroleum wax, provided for in item 755.25 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value. As provided in section 733(a), the Commission must complete preliminary antidumping investigations in 45 days, or in this case by October 21, 1985.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

EFFECTIVE DATE: September 4, 1985.

FOR FURTHER INFORMATION CONTACT: George L. Deyman (202-523-0481), Office of Investigations, U.S. International Trade Commission, 701 E Street, NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

SUPPLEMENTARY INFORMATION:**Background**

This investigation is being instituted in response to a petition filed on September 4, 1985, by the National Candle Association, Arlington, VA.

Participation in the Investigation

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than seven (7) days after publication of this notice in the Federal Register. Any entry of appearance filed after this date will be referred to the Chairwoman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service list

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Conference

The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 9:30 a.m. on September 20, 1985, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Parties wishing to participate in the conference should contact George L. Deyman (202-523-0481) not later than September 18, 1985, to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Written submissions

Any person may submit to the Commission on or before September 27, 1985, a written statement of information pertinent to the subject of the investigation, as provided in § 207.15 of the Commission's rule (19 CFR 207.15). A signed original and fourteen (14) copies

of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

Issued: September 8, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-21893 Filed 9-10-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-214]

Certain Frozen Beverage Dispensing Machines; Decision Not To Review Initial Determination Terminating Respondent on the Basis of a Settlement Agreement; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Termination of respondent on the basis of a settlement agreement; termination of the investigation.

SUMMARY: On June 13, 1985, complainant Refreshment Machinery, Inc., and respondent Stewart Sandwiches, Inc. (Stewart), filed a joint motion to terminate the above-captioned investigation as to respondent Stewart on the basis of a settlement agreement. The presiding administrative law judge issued an initial determination (ID) (Order No. 5) granting the motion on August 6, 1985. No petitions for review of the ID were filed, nor were any comments received from Government agencies or the public.

The U.S. International Trade Commission has determined not to review the ID terminating respondent Stewart. Since there are no other respondents, the investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Charles H. Nalls, Esq., Office of the

General Counsel, U.S. International Trade Commission, telephone 202-523-1626.

SUPPLEMENTARY INFORMATION: This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and Commission rule 210.53 (19 CFR 210.53). Notice of the ID was published in the Federal Register of August 14, 1985 (50 FR 32776).

Copies of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20438, telephone 202-523-0161.

Issued: September 8, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-21700 Filed 9-10-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 701-TA-255 and 256 (Preliminary) and 731-TA-275, 276 and 277 (Preliminary)]

Oil Country Tubular Goods From Argentina, Canada and Taiwan

Determinations

On the basis of the record¹ developed in investigations Nos. 701-TA-255 and 256 (Preliminary), the Commission determines, pursuant to section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)), that there is a reasonable indication that an industry in the United States is materially injured^{2,3} by reason of imports from Canada and Taiwan of oil country tubular goods, provided for in items 610.32, 610.37, 610.39, 610.40, 610.42, 610.43, 610.49, and 610.52 of the Tariff Schedules of the United States, which are alleged to be subsidized by the Governments of Canada and Taiwan.

On the basis of the record¹ developed in investigations Nos. 731-TA-275, 276 and 277 (Preliminary), the Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured^{2,3} by reason of imports from Argentina, Canada, and Taiwan of oil country tubular goods,

¹The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

²Chairwoman Stern determined that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury.

³Vice Chairman Liebel dissenting.

provided for in items 610.32, 610.37, 610.39, 610.40, 610.42, 610.43, 610.49, and 610.52 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value (LTFV).

Background

On July 22, 1985, petitions were filed with the U.S. International Trade Commission and the U.S. Department of Commerce by counsel for Lone Star Steel Company, Dallas, TX, and CF&I Steel Corporation, Pueblo, CO., alleging that an industry in the United States is materially injured and threatened with material injury by reason of imports of oil country tubular goods from Canada and Taiwan which are alleged to be subsidized by the Governments of Canada and Taiwan; and by imports of such merchandise from Argentina, Canada, and Taiwan which are alleged to be sold in the United States at less than fair value (LTFV). Accordingly, effective July 22, 1985, the Commission instituted preliminary countervailing duty investigations Nos. 701-TA-255, and 256 (Preliminary) and antidumping investigations Nos. 731-TA-275, 276 and 277 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the Federal Register of July 31, 1985 (50 FR 31054). The conference was held in Washington, DC on August 9, 1985. All persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on September 5, 1985. The views of the Commission are contained in USITC Publication 1747 (September 1985), entitled "Oil Country Tubular Goods from Argentina, Canada, and Taiwan. Determinations of the Commission in Investigations Nos. 701-TA-255 and 256 (Preliminary) and 731-TA-275, 276 and 277 (Preliminary) under the Tariff Act of 1930, Together With the Information Obtained in the Investigations."

Issued: September 5, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-21700 Filed 9-10-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-215]

Certain Double-Sided Floppy Disk Drives and Components Thereof; Decision on Review of Initial Determination and Issuance of Limited Temporary Exclusion Order

AGENCY: International Trade Commission.

ACTION: The Commission has determined to affirm the presiding officer's initial determination recommending temporary relief and to issue a limited temporary exclusion order in investigation No. 337-TA-215.

SUMMARY: The Commission has determined on review to affirm the presiding officer's initial determination recommending temporary relief in the above-captioned investigation. Having determined that the issues of remedy, the public interest, and bonding are properly before the Commission, and having reviewed the written submissions filed on remedy, the public interest, and bonding and those portions of the record relating to those issues, the Commission has determined in investigation No. 337-TA-215 to issue a limited temporary exclusion order prohibiting entry into the United States, except under license, of double-sided floppy disk drives manufactured by or on behalf of the Mitsubishi Electric Corporation, Mitsubishi Electronics America, Inc., TEAC Corporation, an TEAC Corporation of America that infringe claims 1, 5, or 12 of U.S. Letters Patent No. 4,151,573.

The Commission further determined that the public interest factors enumerated in section 337(d), 19 U.S.C. 1337(d), do not preclude issuance of the aforementioned limited temporary exclusion order and that the bond during the pendency of the investigation should be in the amount of 25 (twenty-five) percent of the entered value of the articles concerned.

FOR FURTHER INFORMATION CONTACT: Marcia H. Sundeen, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0480.

SUPPLEMENTARY INFORMATION: On December 6, 1984, Tandon Corporation (Tandon) filed a complaint and a motion for temporary relief under section 337. On January 22, 1985, the Commission instituted an investigation to determine whether there is a violation of section 337 in the unlawful importation of certain double-sided floppy disk drives into the United States or in their sale, by

reason of alleged infringement of the claims of U.S. Letters Patent No. 4,151,573 (the '573 patent), the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

On May 30, 1985, the administrative law judge (Judge Harris) issued his initial determination in the above-referenced investigation granting complainant's motion for temporary relief under subsections 337 (e) and (f). All respondents and the Office of Unfair Import Investigations filed petitions for review on numerous issues. No Government agency comments were received.

On July 2, 1985, the Commission determined to review the initial determination on the issues of patent validity under 35 U.S.C. § 102, inequitable conduct, patent infringement, and domestic industry as these issues relate to the issue of whether there is reason to believe a violation of section 337 exists. The Commission also determined to review complainant's probability of success on the merits, and immediate and substantial harm to the domestic industry in the absence of temporary relief, harm to respondents if temporary relief is awarded, and the public interest.

The parties were requested to file briefs on the issues under review and on remedy, public interest, and bonding. Notice of the Commission's decision to review the initial determination was published in the *Federal Register*, 50 FR 28294. All parties have submitted briefs on all issues under review. The U.S. Customs Service has filed a submission on the issue of remedy. No other submissions were received.

Copies of the Commission's Action and Order, the Commission opinion in support thereof, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E. Street NW., Washington, D.C. 20436, telephone 202-523-0161.

By order of the Commission.

Issued: September 4, 1985.

Kenneth R. Mason,
Secretary.

[FR Doc. 85-21696 Filed 9-10-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-254 (Preliminary)]

Certain Red Raspberries From Canada; Determination

On the basis of the record¹ developed in investigation No. 701-TA-254 (Preliminary), the Commission determines,² pursuant to section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Canada of fresh and frozen red raspberries in containers of a gross weight of over 20 pounds, provided for in items 146.54, 146.56, and 146.74 of the Tariff Schedules of the United States, which are alleged to be subsidized by the Government of Canada.

Background

On July 18, 1985, growers, packers, and related trade associations filed a petition with the U.S. International Trade Commission and the U.S. Department of Commerce alleging that an industry in the United States is materially injured or is threatened with material injury by reason of subsidized imports of red raspberries from Canada. Accordingly, effective July 18, 1985, the Commission instituted countervailing duty investigation No. 701-TA-254 (Preliminary). Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the *Federal Register* of July 31, 1985 (50 FR 31048). A public conference was held in Washington, DC, on August 14, 1985, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its report on this investigation to the Secretary of Commerce on August 30, 1985. A public version of the Commission's report, *Certain Red Raspberries from Canada* (investigation No. 701-TA-254 (Preliminary), USITC Publication 1743, August 1985) contains the views of the Commission and information developed during the investigation.

By order of the Commission.

¹ The "record" is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

² Commissioner Rohr determines that there is a reasonable indication that an industry in the United States is materially injured or is threatened with material injury.

Issued: September 3, 1985.

Kenneth R. Mason,
Secretary.

[FR Doc. 85-21694 Filed 9-10-85; 8:45 am]

BILLING CODE 7820-02-M

[Investigations Nos. 701-TA-251-253
(Preliminary), and 731-TA-271-274
(Preliminary)]

Certain Welded Carbon Steel Pipes and Tubes From India, Taiwan, Turkey, and Yugoslavia; Determinations

On the basis of the record¹ developed in the subject investigations, the Commission determines, pursuant to section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)), that there is a reasonable indication that industries in the United States are materially injured² by reason of imports of the following welded carbon steel pipe and tube products which are alleged to be subsidized by the Governments of the specified countries:

Standard pipes and tubes³ from India (inv. No. 701-TA-251 (Preliminary));
Line pipes and tubes⁴ from Taiwan (inv. No. 701-TA-252 (Preliminary)); and
Standard and line pipes and tubes from Turkey (inv. No. 701-TA-253 (Preliminary)).

The Commission also determines, pursuant to section 733(a) of the Act (19 U.S.C. 1673b(a)), that there is a reasonable indication that industries in the United States are materially injured² by reason of imports of the following welded carbon steel pipe and tube products which are alleged to be sold in the United States at less than fair value (LTFV):

Standard pipes and tubes from India (inv. No. 731-TA-271 (Preliminary));
Line pipes and tubes from Taiwan (inv. No. 731-TA-272 (Preliminary));

Standard and line pipes and tubes from Turkey (inv. No. 731-TA-273 (Preliminary)); and
Standard pipes and tubes from Yugoslavia (inv. No. 731-TA-274 (Preliminary)).⁵

The Commission further determines, pursuant to section 733(a) of the Act (19 U.S.C. 1673(a)), that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry in the United States is materially retarded, by reason of imports from Yugoslavia of welded carbon steel line pipes and tubes which are alleged to be sold in the United States at LTFV (inv. No. 731-TA-274 (Preliminary)).⁵

Background

On July 16, 1985, petitions were filed with the Commission and the Department of Commerce by counsel for the individual producer members of the Subcommittees on Standard and Line Pipe of the Committee on Pipe and Tube Imports, alleging that industries in the United States are materially injured or threatened with material injury by reason of subsidized imports of welded carbon steel standard pipes and tubes from India and Turkey, subsidized imports of welded carbon steel line pipes and tubes from Taiwan, LTFV imports of welded carbon steel standard pipes and tubes from India, Turkey, and Yugoslavia, and LTFV imports of welded carbon steel line pipes and tubes from Taiwan, and that industries in the United States are being threatened with material injury by reason of subsidized imports from Turkey and by LTFV imports from Turkey and Yugoslavia. Accordingly, effective July 16, 1985, the Commission instituted preliminary countervailing duty investigations Nos. 701-TA-251-253 (Preliminary) and preliminary antidumping investigations 731-TA-271-274 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the Federal Register of July 24, 1985 (50 FR 30243). The conference was held in Washington, DC, on August 7, 1985, and

all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on August 30, 1985. The views of the Commission are contained in USITC Publication 1742 (August 1985), entitled "Certain Welded Carbon Steel Pipes and Tubes from India, Taiwan, Turkey, and Yugoslavia: Determinations of the Commission in Investigations Nos. 701-TA-251-253 and 731-TA-271-274 (Preliminary) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation."

By order of the Commission.

Issued: September 4, 1985.

Kenneth R. Mason,
Secretary.

[FR Doc. 85-21697 Filed 9-10-85; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

Forms Under Review by Office of Management and Budget

The following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) is being submitted to the Office of Management and Budget for review and approval. Copies of the forms and supporting documents may be obtained from the Agency Clearance Officer, Ray Houser (202) 275-6723. Comments regarding this information collection should be addressed to Ray Houser, Interstate Commerce Commission, Room 1325, 12th and Constitution Ave., NW., Washington, DC 20423 and to Gary Waxman, Office of Management and Budget, Room 3228 NEOB, Washington, DC 20503, (202) 395-7340.

Type of Clearance:—Extension
Bureau/Office:—Office of Proceedings
Title of Form:—Small Carrier Transfer

Application
OMB Form No.:—3120-0025
Agency Form No.:—OP-FC-1
Frequency:—on Occasion
Respondents:—Regulated Motor Carriers of Property
No. of Respondents:—30
Total Burden Hrs.:—240

James H. Bayne,
Secretary.

[FR Doc. 21743 Filed 9-10-85; 8:45 am]

BILLING CODE 7035-01-M

¹ The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

² Chairwoman Stern determines that the domestic industries are materially injured or threatened with material injury.

³ For purposes of these investigations, the term "welded carbon steel standard pipes and tubes" covers welded carbon steel pipes and tubes of circular cross section, 0.375 inch or more but not over 16 inches in outside diameter, provided for in items 610.3231, 610.3234, 610.3241, 610.3242, 610.3243, 610.3252, 610.3254, 610.3256, 610.3258, and 610.4925 of the Tariff Schedules of the United States Annotated (TSUSA).

⁴ For purposes of these investigations, the term "welded carbon steel line pipes and tubes" covers welded carbon steel pipes and tubes of circular cross section, with walls not thinner than 0.065 inch, 0.375 inch or more but not over 16 inches in outside diameter, conforming to API specifications for line pipe, provided for in 610.3208 and 610.3209.

⁵ Investigation No. 731-TA-274 (Preliminary) included both standard and line pipes and tubes from Yugoslavia. The Commission made an affirmative determination with respect to standard pipes and tubes and a negative determination with respect to line pipes and tubes.

[Docket No. AB-10 (Sub-32)]

Railroads; Norfolk and Western Railway Co.; Abandonment in Pulaski, Wythe, Carroll, and Grayson Counties, VA; Findings

The Commission has issued a certificate authorizing Norfolk and Western Railway Company to abandon its 56.80-mile rail line (a) between Dora Junction (milepost P 1.72) and Galax, VA (milepost 53.25), and (b) between Fries Junction (milepost P 39.8) and Fries, VA (milepost P 45.36), in Pulaski, Wythe, Carroll, and Grayson Counties, VA. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA". Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR Part 1152.

James H. Bayne,
Secretary.

[FR Doc. 85-21744 Filed 9-10-85; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE**Drug Enforcement Administration****Final Environmental Impact Statement on Cannabis Eradication on Federal Lands in the Continental United States; Record of Decision**

SUMMARY: This is the Record of Decision of the Administrator of the Drug Enforcement Administration [DEA], pursuant to 40 CFR 1505.2, with respect to DEA-EIS-1, the Final Environmental Impact Statement on the Eradication of Cannabis on Federal Lands in the Continental United States. A Notice of the Availability of the Final EIS was published in the Federal Register on July 26, 1985 (50 FR 30520).

Date: September 6, 1985.

Notice

Based on the environmental analysis documented in the Final EIS, I have

decided, pursuant to 40 CFR 1505.2, to adopt Alternative 6, calling for the full range of manual, mechanical, and both spot and broadcast herbicidal methods to eradicate illegally cultivated cannabis on Federal lands. With regard to disposal of eradicated cannabis, it is my decision to adopt disposal Alternative 4, allowing the full range of disposal methods, including haul and burn, haul and landfill, shred and till, or posting the area. This decision is made after careful consideration of all written and oral comments received during scoping meetings, written and oral comments on the May 1984 Draft EIS and the March 1985 Supplement, comments received on the July 1985 Final EIS, as well as comments received by reviewers from the six cooperating Federal agencies and the Department of Health and Human Service's Public Health Service.

The other alternatives considered were Alternative 1: Manual Eradication (no action); Alternative 2: Mechanical Eradication; Alternative 3: Herbicidal Eradication; Alternative 4: No Application of Herbicides; and Alternative 5: No Broadcast Application of Herbicides. Other disposal alternatives considered were Alternative 1: Haul and Burn or Haul and Bury; Alternative 2: Till Under; and Alternative 3: Leave Cannabis on Site (after herbicidal eradication).

Providing DEA and Federal land managers with the full range of eradication and disposal methods will allow DEA to more effectively meet its mandate under the 1961 Single Convention on Narcotic Drugs and in its participation in the 1984 National Strategy for the Prevention of Drug Abuse and Drug Trafficking.

Although eradication Alternative 1 and disposal Alternative 1 are the environmentally preferable alternatives at the programmatic level, eradication Alternative 6 and disposal Alternative 4 will allow DEA operational flexibility in choosing the most appropriate method based on site-specific environmental analyses. The selected alternative will be carried out by DEA personnel, other law enforcement personnel, Federal land management personnel, or by contractors to any of these agencies. Decisions on which method to use for any given site will be made on the basis of site-specific analyses conducted in accordance with applicable NEPA implementing procedures for the Federal agency on whose lands an action is proposed. Selection of the eradication method would be based on a number of factors described in the EIS, such as available manpower and equipment, number of plots and configuration of plots, proximity to water bodies and

human habitation or developed recreational areas, topography, foliage density and plant height, soil type, presence of endangered or threatened species or cultural resources, site accessibility, weather conditions, time of year, and maturity of plants. The responsible official at the site-specific level will ensure that all appropriate mitigation measures and operational procedures provided in Table 2-2 of the EIS are met.

Mitigation measures for all methods of eradication are provided in the EIS. They include following all label requirements, as well as requirements regarding application procedures, drift control measures, and public notification procedures, as set forth in Table 2-2. The need for monitoring herbicide residues in soil and ground and surface water will be determined on a case-by-case basis by Federal land managers based on site-specific environmental analyses. DEA will monitor domestically seized marijuana for herbicide residues.

I have carefully considered the analyses in the EIS, including worst case situations involving workers accidentally exposed to herbicides, humans and wildlife directly sprayed or ingesting contaminated foodstuffs, and the possible risk to persons smoking marijuana contaminated with herbicides. As DEA agreed to do in the Final EIS (see F-66), I have also considered information provided to DEA by EPA on August 8, 1985, summarizing the Agency's preliminary review of ongoing oncogenicity studies for glyphosate, together with a worst-case analysis of the EPA glyphosate data. EPA concluded that it "does not expect any significant risk from the level of glyphosate to which humans are likely to be exposed." DEA's worst-case analysis indicates a cancer risk to the public under the proposed herbicidal eradication program of less than 5 chances in one billion and to workers of less than 2 chances in a million. A copy of the worst-case analysis is available upon request and will be mailed to all persons on the EIS Distribution List. Because of the lack of significance of this information, supplementation is not warranted; DEA will, however, continue to monitor this situation.

Since the probability of the worst case accidents occurring is very low, and because all DEA personnel, other law enforcement officials, Federal land managers, and their contractors will be required to adhere to label instructions and to mitigation measures and operational procedures stipulated in Table 2-2 on the EIS, I believe the risk

under eradication Alternative 6 and disposal Alternative 4 to be acceptable.

I have also considered a 'citizens' petition' presenting allegedly new and significant information concerning health risks of two herbicides and requesting that DEA prepare a second Supplement to the EIS. Because the health risks asserted in the petition were considered in the Final EIS, and because the information is not a significant addition to scientific knowledge on those questions, supplementation is not appropriate.

Alternative 6 allows for the use of manual, mechanical, and herbicidal methods, including the use of glyphosate, 2,4-D, and paraquat. The analysis indicates that the proper use of paraquat does not pose significant risk to public health or the environment. DEA, however, has entered into a consent judgment in Federal court in which it agreed that "... it would not use, or authorize the use of, paraquat to eradicate marijuana on U.S. Federal lands under the paraquat label currently registered with the Environmental Protection Agency..." Prior to any application of paraquat on Federal lands, DEA will consult with EPA and will consider all new information that becomes available on paraquat, including information presented during label change process and EPA review of ongoing oncogenicity and other studies.

Dated: September 8, 1985.

John C. Lawn

Administrator.

[FR Doc. 85-21719 Filed 9-10-85; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Ganes Chemical, Inc., et al., Registration

By Notice dated July 3, 1985, and published in the Federal Register on July 12, 1985; (50 FR 28484), Ganes Chemical Inc., Lessee of Siegfried Chemical Inc., Industrial Park Road, Pennsville, New Jersey 08070, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Amobarbital (2125)	II.
Pentobarbital (2270)	II.
Secobarbital (2315)	II.
Methandone (9250)	II.
Methandone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane (9254)	II.
Dextropropoxyphene (9273)	II.

No comments or objections have been received. Therefore, pursuant to Section

303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: September 5, 1985.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 85-21721 Filed 9-10-85; 8:45 am]

BILLING CODE 4410-09-M

Importers of Controlled Substances; Mallinckrodt, Inc.; Registration

By Notice dated June 10, 1985, and published in the Federal Register on June 19, 1985; (50 FR 25479), Mallinckrodt, Inc., Department C.B., Mallinckrodt and Second Streets, St. Louis, Missouri 63147, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Raw Opium (9600)	II.
Opium Plant Form (9650)	II.
Concentrate of Poppy Straw (9670)	II.

No comments or objections have been received. Therefore, pursuant to section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, § 1311.42, the above firm is granted registration as an importer of the basic classes of controlled substances listed above.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

Dated: September 5, 1985.

[FR Doc. 85-21720 Filed 9-10-85; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

(Notice 85-57)

NASA Advisory Council (NAC), Space and Earth Science Advisory Committee; Open Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space and Earth Science Advisory Committee (SESAC).

DATE AND TIME: October 2-3, 1985, 9 a.m. to 5:30 p.m., each day.

ADDRESS: Rowland Hall, Room 160, Johns Hopkins University, 34th and Charles Streets, Baltimore, Maryland 21218.

FOR FURTHER INFORMATION CONTACT: Dr. H. Warren Moos, Department of Physics and Astronomy, Johns Hopkins University, 34th and Charles Streets, Baltimore, Maryland 21218 (301) 338-7337.

SUPPLEMENTARY INFORMATION: The NAC Space and Earth Science Advisory Committee consults with and advises the Council and NASA on plans for, work in progress on, and accomplishments of NASA's Space and Earth Science programs. The Committee is chaired by Dr. Louis Lanzerotti and is composed of 19 members. The Committee operates both through a number of informal subcommittees and as a whole. The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including Committee members and other participants). The purpose of the meeting is to establish a plan for follow-on Committee activities during the upcoming year.

Type of Meeting: Open.

Richard L. Daniels,

Deputy Director, Logistics Management and Information Programs Division, Office of Management.

September 5, 1985.

[FR Doc. 85-21607 Filed 9-10-85; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Earth Sciences; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Earth Sciences.

Date and time: September 27 and 28, 1985; 8:30 a.m. to 5:00 p.m. each day.

Place: The National Science Foundation, Room 1242A, 1800 G Street, NW., Washington, D.C. 20550.

Type of meeting: Open.

Contact person: Dr. James Fred Hays, Division Director, Earth Sciences, Room 602, National Science Foundation, Washington, D.C. 20550. Telephone: (202) 357-7958.

Summary minutes: May be obtained from contact person above.

Purpose of committee: To provide advice, recommendations, and oversight concerning support for research and research-related activities in the earth sciences.

Agenda:

September 27

0630—Administrative Check-in
0900—Introduction
0915—Overview of the Earth Sciences Division
1000—Instrumentation & Facilities
1015—Break
1030—Continental Lithosphere
1100—Continental Scientific Drilling
1145—IRIS Program
1230—Working Lunch
1300—Discussion
1500—Meeting with Deputy Director
1600—Meeting with Division Scientific Staff
1700—Adjourn

September 28

Left open for any unfinished business.

September 6, 1985.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 85-21707 Filed 9-10-85; 8:45 am]

BILLING CODE 7555-01-M

Permit Application Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit application received under Antarctic Conservation Act of 1978, Pub. L. 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by October 11, 1985. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESS: Comments should be addressed to Permit Office, Room 627, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers at the above address or (202) 357-7934.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as

directed by the Antarctic Conservation Act of 1978 (Pub. L. 95-541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures developed in 1964 by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest. Additional information was published in the Federal Register on July 15, 1985.

The applications received are as follows:

1. *Applicant:* Wayne Z. Trivelpiece, Point Reyes Bird Observatory, Stinson Beach, California 94970.

Activity for Which Permit Requested

Taking; Import into U.S.A.; Enter Site of Special Scientific Interest (SSSI No. 8).

The applicant proposes to collect 90 Adelle Penguin eggs from rookeries at Arctowski Station, King George Island, Antarctica (SSSI No. 8, western shore of Admiralty Bay, King George Island) as part of a population study of Adelle Penguins.

Location

King George Island, Antarctica

Dates

October 1985–March 1986

2. *Applicant:* Lucia de Leiris, 304 Third Beach Road, Middletown, Rhode Island 02840.

Activities for Which Permit Requested

Enter Specially Protected Area; Enter Site of Special Scientific Interest.

The applicant is a participant in the Artists in Antarctica Program and proposes to enter protected areas for the purpose of illustration of wildlife and landscape.

Locations

Dion Island, Specially Protected Area No. 8

Green Island, Specially Protected Area No. 9

Cape Shirreff, Specially Protected Area No. 11

Coppermine Peninsula, Specially Protected Area No. 16

Litchfield Island, Specially Protected Area No. 17

Fildes Peninsula, Site of Special Scientific Interest No. 5

Byers Peninsula, Site of Special Scientific Interest No. 6
Western Shore of Admiralty Bay, Site of Special Scientific Interest No. 8

Dates

December 1985–March, 1986

3. *Applicant:* William M. Hamner, Department of Biology, University of California, Los Angeles, California 90024.

Activities for Which Permit Requested

Taking; Import into U.S.A.; Enter Specially Protected Area.

The applicant is conducting a study of the interactions of *Euphausia superba* (krill) with the sea birds that feed on krill. Specimens are proposed to be taken, as follows:

I. *Handling*—Six-gram sonic pingers will be attached to penguins to record their swimming directions, depths and speeds. The pingers will be glued to feathers on the back and will fall off in 10 to 20 days. Other sea birds listed will be handled in the rookeries to obtain stomach contents through regurgitation of ingested food, which does not harm the bird being sampled. Samples obtained will be used to assess the importance of krill in the diets of breeding adults and the chicks they are feeding.

Species	Number
Adelle penguin	25
Chinstrap penguin	25
Gentoo penguin	25
Southern Black back gull	25
Blue-eyed shag	25
Wilson's storm petrel	25

II. *Sacrifice*—Cape petrels and storm petrels collected by shotgun will provide valuable information on prey selection at sea, which often differs from diets obtained near breeding sites.

Species	Number
Cape petrel	20 adults, 20 chicks
Wilson's storm petrel	50 adults, 20 chicks

Gut contents of these specimens will be preserved for analysis at the University of California, Los Angeles. Chicks will be disposed of. Adult specimens in good condition will be returned to the University of California museum collection.

III. *Photography*—The applicant proposed to conduct photographic documentation of behavior patterns of krill predators at sea and in the rookeries. Long lens photography will minimize disturbance of the animals.

Birds	Mammals
black browed albatross	antarctic fur seal
giant petrel	crabeater seal
blue petrel	elephant seal
southern fulmar	leopard seal
cape petrel	Ross seal
prion	Weddell seal
southern black backed gull	
antarctic petrel	humpback whale
white-chinned petrel	minke whale
white-headed petrel	southern right whale
Peal's petrel	sei whale
snow petrel	fin whale
south polar skua	killer whale
antarctic tern	
arctic tern	
blue-eyed shag	
american sheathbill	
Adelie penguin	
chinstrap penguin	
gentoo penguin	

The applicant also proposes to land on Litchfield Island in Arthur Harbor to conduct observations of penguin groups at sea. From the high observation point on Litchfield, swimming speeds and directions of penguins foraging in the harbor and moving to and from the rookeries will be observed.

Location

Litchfield Island, Drake Passage, Bransfield Strait, Gerlache Strait, waters around Anvers Island.

Dates

December 1985-May 1986.

Authority to publish this notice has been delegated by the Director of the National Science Foundation.

Peter E. Wilkniss,

Division Director, Division of Polar Programs.

[FR Doc. 85-21712 Filed 9-10-85; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Bi-Weekly Notice; Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law (Pub. L.) 97-415, the Nuclear Regulatory Commission (the Commission) is publishing this regular bi-weekly notice. Pub. L. 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding

the pendency before the Commission of a request for a hearing from any person.

This bi-weekly notice includes all amendments issued, or proposed to be issued, since the date of publication of the last bi-weekly notice which was published on August 28, 1985 (50 FR 34933), through August 30, 1985.

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

By October 11, 1985, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request

and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment

and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to (Branch Chief): petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a

balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the local public document room for the particular facility involved.

Arizona Public Service Company et al., Docket No. STN 50-528, Palo Verde Nuclear Generating Station, Unit No. 1, Maricopa County, Arizona; Date of amendment request: August 5, 1985.

Description of amendment request: The amendment would permit a one-time exception for approximately 24 hours to Technical Specifications 3.4.1.2, 3.4.1.3, and 3.7.1.6, involving the reactor coolant system pumps and the atmospheric dump valves, to allow the performance of the Natural Circulation Cooldown Test.

Basis for proposed no significant hazards consideration determination: The Commission has provided certain examples (48 FR 14870) of actions likely to involve no significant hazards considerations. One of the examples (vi) relates to a change which either may result in some increase to the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. The proposed amendment involved here is similar in that the exception request may reduce a safety margin in some way for a limited time only during the performance of the Natural Circulation Cooldown Test, but the results of an analysis of the planned test are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. Accordingly, the Commission proposes to determine that this change does not involve significant hazards considerations.

Local Public Document Room location: Phoenix Public Library, Business, Science and Technology Department, 12 East McDowell Road, Phoenix, Arizona 85004.

Attorney for licensees: Mr. Arthur C. Gehr, Snell & Wilmer, 3100 Valley Center, Phoenix, Arizona 85007.

NRC Branch Chief: George W. Knighton.

Baltimore Gas and Electric Company, Docket Nos. 50-317 and 50-318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland; Date of application for amendments: June 28, 1985

Description of amendment request: The proposed amendments would change the Unit 1 and Unit 2 Technical Specifications (TS) to: (1) Reflect a clarification of requirements associated with the containment purge isolation valves in TS Table 3.3-3, "Engineered Safety Features Actuation System Instrumentation," and TS Table 3.6-1, "Containment Isolation Valves," (2) modify TS 3.9.4, "Containment Penetration," to allow the use of an alternate closure for the emergency personnel escape lock, (3) delete TS 6.13, "Environmental Qualifications," and (4) correct identified spelling errors and changes in terminology.

Basis for no significant hazards consideration determination: BG&E has requested a change to TS Tables 3.3-3 and 3.6-1 to correct an inconsistency between operability requirements for the containment purge isolation valves and related requirements.

The containment purge isolation valves allow outside air to enter the containment and vent the containment atmosphere to the environment. At the present time, these valves are required to be isolated by the requirements of TS 3.6.1.7, "Containment Purge System," to prevent these valves from being opened, during Modes 1 through 4 (power operation through hot shutdown). Furthermore, the purge isolation valves are required to be operable, meaning capable of automatic closure to a leak-tight condition, by the requirements of TS 3.9.9, "Containment Purge Valve Isolation System," during core alterations or movement of irradiated fuel inside the containment (during Mode 6). A comparison of the requirements of TS 3.6.1.7 and TS 3.9.9 indicates that the containment purge isolation valves may be inoperable (open) in Mode 5 (cold shutdown) or in Mode 6 (refueling) when neither core alternations nor movement of irradiated fuel inside containment is underway or any time in Mode 6 when the containment purge valves are closed. Conditions under which the containment isolation valves may be inoperable are consistent with conditions under which containment (leak-tight) integrity is not required per TS 3.6.1.1 and TS 3.9.4.

BC&E has identified two inconsistencies regarding requirements associated with the containment purge isolation valves. The first instance of

inconsistency involves TS Table 3.6-1. In this case, the TS requires that the valve isolation response time for the containment purge isolation valves be applicable "... for Mode 5 and 6 during which time these valves may be opened." Since isolation response times should not be applicable when the valves are not required to be operable, BG&E has proposed to reword the applicability of the response time to be "... in Mode 6 when the valves are required operable and they are open." This proposed applicability wording is consistent with operability requirements of the containment purge isolation valves.

The second instance of inconsistency involves TS Table 3.3-3 which specifies operability requirements for devices for manual and automatic closure of the containment purge isolation valves. At the present time, the purge valve control switches for manual closure must be operable in Modes 5 and 6 and the containment radiation-high area monitor (for automatic closure) must be operable in Mode 6. The licensee has proposed changing the operability requirements for these closure devices to "... in Mode 6 when the valves are required operable and they are open."

The proposed changes to TS Tables 3.6-1 and 3.3-3 would not increase the probability or consequences of any accidents for which closure of the containment purge isolation valves is required. Operability of automatic and manual valve closure devices and closure response times would be applicable at all times when the containment purge isolation valves are required to be operable (these requirements only apply to the containment purge isolation valves). No new or different type of accident would be created by the proposed TS changes since no new operational modes are being created for the containment purge isolation valves. Finally, no safety margins are reduced since no operational or design changes are proposed. Accordingly, the Commission proposes to determine that the proposed changes to TS Tables 3.3-3 and 3.6-1 involve no significant hazards considerations.

The licensee has proposed a change to TS 3.9.4b which would provide a footnote to allow use of a temporary closure for the containment emergency personnel escape lock during refueling activities. At the present time, TS 3.9.4 requires at least one door in each air lock to be closed during core alterations or movement of irradiated fuel inside the containment.

The personnel escape lock described in Section 5.1.2.1 of the Calvert Cliffs

Final Safety Analysis Report (FSAR) is located at elevation 49'4" and is provided with outer and inner doors. During refueling operations, the licensee proposes to replace the inner personnel escape lock door with a temporary closure; the outer door would remain open at this time. This temporary closure would contain several penetrations to facilitate work inside containment, during core alterations or movement of irradiated fuel, when containment integrity is required. The licensee has indicated that the temporary closure and its penetrations meet the applicable design requirements of the permanent door for use during reactor Mode 6 (refueling). Installation and leak testing of the temporary closure would be controlled by a plant procedure.

The Bases for TS 3/4.9.4 states the following with regard to containment closures such as the personnel escape lock: "The OPERABILITY and closure restrictions are sufficient to restrict radioactive material release from a fuel element rupture based upon the lack of containment pressurization potential while in the REFUELING MODE." Since no containment pressurization results from the design basis (fuel handling) event during Mode 6, containment closures need only be vapor-tight rather than capable of withstanding excess pressure. Since the temporary closure is fabricated to standards equivalent to the personnel escape lock for Mode 6 utilization and installation and testing will be in accordance with plant procedures, the temporary closure can be expected to perform in a manner equivalent to that of the personnel escape lock door during the design basis event in Mode 6. Accordingly, the proposed TS does not involve any increase in the probability or consequences of accidents previously considered. Moreover, since either a personnel escape lock door or the equivalent (temporary closure) will be in place during core alterations or movement of irradiated fuel inside containment, no new or different type of accident will be created. Finally, since the temporary closure performs in a manner equivalent to the permanent personnel escape lock door during Mode 6, no safety margin with regard to off-site dose following the design basis Mode 6 event will occur. Based upon these conclusions, the Commission proposes to determine that the proposed change to TS 3.9.4b, to allow use of a temporary closure device, involves no significant hazards considerations.

The licensee has proposed to delete TS 6.13, "Environmental Qualifications." This TS provides schedule requirements

for completion of activities relating to environmental qualification of electrical equipment important to safety that have already passed. Moreover, environmental qualification requirements, including schedules, are incorporated in 10 CFR 50.49, "Environmental qualification of electrical equipment important to safety for nuclear power plants," and thus need not appear in the TS.

On April 6, 1983, the NRC published guidance in the Federal Register (48 FR 14870) concerning examples of amendments that are not likely to involve a significant hazards consideration. One such example, (i), provides for "A purely administrative change to technical specifications: for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature." Deletion of the superseded requirements of TS 6.13 is within the scope of example (i).

Accordingly, the Commission proposes to determine that the proposed deletion of TS 6.13 involves no significant hazards considerations.

Finally the licensee proposes to correct 14 spelling and one terminology error in the TS as detailed in the June 28, 1985 application. As indicated by example (i), these changes to the TS are not likely to involve a significant hazards consideration. Accordingly, the Commission proposes to determine that the correction of the spelling and terminology errors identified in the June 28, 1985 application involves no significant hazards considerations.

Local Public Document location:
Calvert County Library, Prince Frederick, Maryland.

Attorney for licensee: George F. Trowbridge, Esq., Shaw, Pittman, Posts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Edward J. Butcher, Acting.

Commonwealth Edison Company,
Docket Nos. 50-295 and 50-304, Zion Nuclear Power Station, Unit Nos. 1 and 2, Benton County, Illinois

Date of application for amendments:
June 25, 1985.

Description of amendments request:
These amendments would delete items A.1 and A.2 of the Commission's February 29, 1980 Confirmatory Order for the Zion Nuclear facility. Item A.1 of that Order was a restriction on the power level to maintain a calculated peak clad temperature of 2050°F under the conditions of the 10 CFR Part 50, Appendix K analysis submitted by licensee on October 22, 1979; Item A.2

was a restriction on load following maneuvers.

Basis for proposed no significant hazards consideration determination: 10 CFR 50.92 states that a proposed amendment will involve a no significant hazards consideration if the proposed amendment does not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in a margin of safety.

In accordance with 10 CFR 50.91(a)(1), the licensee submitted the following analysis of the amendment request using the standards in 10 CFR 50.92.

Criterion 1—A Significant Increase in the Probability of an Accident

Proposed Deletion of Item A.1

The consequences of a LOCA are not significantly increased by the deletion of the 2050°F limit and the subsequent adherence to the 220°F limit of 10 CFR 50.46 since this type of change to peak clad temperature during a large break LOCA would have no relationship to the probability of the initiating pipe break.

Proposed Deletion of Item A.2

Attachment 3 to the June 25, 1985 submittal demonstrated that there was no observable correlation between load changes above 50% and the frequency of reactor trips. Thus, the probability of an accident is not affected.

The FSAR already assumes conservative core parameters for the accident analyses. These values (T_{avg} , Pressure, etc.) will still bound actual core conditions during load changes. Thus, the consequences of any postulated accident are unchanged. While load follow maneuvers may have been considered to represent an additional risk in 1980, the experience gained since that time has shown that these load changes are routine in nature.

Criterion 2—A New or Different Kind of Accident

Proposed Deletion of Item A.1

The parameter referred to as the peak cladding temperature is the maximum calculated temperature which could be reached during the course of an already ongoing LOCA. Therefore, the increase in this parameter in and of itself is not an initiator of another unrelated accident. Thus, the 150°F increase in allowed peak cladding temperature during a LOCA does not create the possibility of a new or additional accident.

Proposed Deletion of Item A.2

The performance of load follow maneuvers affects a number of reactor parameters. Examples of these parameters include rod position, boron concentration, and power distribution. Limiting combinations of these and other parameters have been considered in Zion initial design and each cycle-specific reload safety analysis.

In addition, all equipment necessary to accomplish changes in Zion power level has been originally designed for load following functions. Therefore, these power changes do not create the possibility of a new or different kind of accident not previously considered.

Criterion 3—A Significant Reduction in Margin of Safety

Proposed Deletion of Item A.1

The 150 °F increase in allowable peak clad temperature does not involve a significant reduction of safety margins. Attachment 2 to the application demonstrates the calculational superiority of the current analysis over the methodology used for the October 22, 1979 submittal. It also demonstrates that Zion will be in compliance with 10 CFR 50.46 and the Standard Review Plan.

Proposed Deletion of Item A.2

Zion's safety analysis utilizes conservative core parameters as initial accident conditions. These values will still bound actual conditions during load changes. Thus, there has been no reduction in safety margins.

Therefore, since the application for amendment satisfies the criteria specified in 10 CFR 50.92, Commonwealth Edison Company has made a determination that the application involves no significant hazards consideration.

The staff has reviewed the licensee's analysis and agrees with the conclusion that the proposed amendment satisfies the three standards of 10 CFR 50.92 for no significant hazards consideration.

In addition, the Commission has provided guidance concerning the application of the standard for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). The examples of actions involving no significant hazards that apply to each of the proposed changes are discussed below.

Proposed Deletion of Item A.1

A new LOCA ECCS analysis for Zion was submitted by Commonwealth Edison Company in October 1984, then supplemented in February and April

1985. This new analysis, which was approved by the Commission on May 24, 1985, incorporates a number of methodological and calculational improvements over the analysis submitted on October 22, 1979. The new analysis reflects improved code interfacing for core reflooding rate data. It uses a BART computer model, a mechanistic core heat transfer model that represents an improvement over heat-up methods used in the 1979 analysis. It also accounts for increases in steam generator tube plugging, as well as assumes a higher total peaking factor for core power distribution prior to the postulated design basis LOCA.

In general, the new analysis, in addition to being calculational superior to the methodology used for the October 22, 1979 submittal, also demonstrates that Zion will be in compliance with 10 CFR 50.46 and the Standard Review Plan.

Thus, example (vi) of the Commission's guidance for determining there are no significant hazards is applicable in this instance. Example (vi) reads as follows:

(vi) A change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan: For example, a change resulting from the application of a small refinement of a previously used calculational model or design method.

Since what is involved here is a refinement to the calculational method and the results using this method are still in compliance with the Standard Review Plan, staff proposes to make a no significant hazards consideration determination for Item A.1.

Proposed Deletion of Item A.2

The October 1984 submittal by licensee discusses the operating stability of the Zion units while performing load changes above 50% power. As discussed therein, the excellent stability of the load follow mode of operation is demonstrated by the historical information presented. While load follow maneuvers may have been considered to represent an additional risk in 1980, the experience gained since that time has shown that these load changes are routine in nature.

Thus example (iv) of the Commission's guidance regarding significant hazards determinations is applicable in this instance. Example (iv) reads as follows:

(iv) A relief granted upon demonstration of acceptable operation from an operating restriction that was imposed because acceptable operation was not yet demonstrated. This assumes that the operating restriction and the criteria to be applied to a request for relief have been established in a prior review and that it is justified in a satisfactory way that the criteria have been met.

Based on this criteria, staff proposes to make a no significant hazards consideration determination for Item A.2 since a lesser degree of risk has been demonstrated since the original review.

Local Public Document Room
location: Zion-Benton Library District,
2600 Emmaus Avenue, Zion, Illinois
60099.

Attorney to licensee: P. Steptoe, Esq.,
Isham, Lincoln and Beale, Counselors at
law, Three First National Plaza, 51st
Floor, Chicago, Illinois 60602.

NRC Branch Chief: Steven A. Varga.

Commonwealth Edison Company,
Docket Nos. 50-295 and 50-304, Zion
Nuclear Power Station, Unit Nos. 1 and
2, Benton County, Illinois

Date of application for amendments:
July 12, 1985, supplemented July 26,
August 2 and 7, 1985.

Description of amendments request:
These amendments would raise the
enrichment limits to approximately 3.7
w/o for the spent fuel pool and 4.0 w/o
for the new fuel vault.

**Basis for proposed no significant
hazards consideration determination:** 10
CFR 50.92 states that a proposed
amendment will involve a no significant
hazards consideration if the proposed
amendment does not: (1) Involve a
significant increase in the probability or
consequences of an accident previously
evaluated; or (2) Create the possibility of
a new or different kind of accident from
any accident previously evaluated; or (3)
Involve a significant reduction in a
margin of safety.

In accordance with 10 CFR 50.91(a)(1)
the licensee submitted the following
analysis of the amendment using
standards in 10 CFR 50.92.

Criterion 1

The storage of 3.7 w/o fuel in the
Spent Fuel Pool and 4.0 w/o fuel in the
New Fuel Vault could only affect the
fuel handling accidents. The enrichment
increase will not significantly affect the
potential consequences of a fuel drop
accident, since the isotopic content of a
discharged assembly is relatively
insensitive to the assembly's initial
enrichment.

The probability of a fuel handling
accident is similarly unaffected by the
enrichment increase. There are no
structural changes involved that could

affect the handling characteristics of
Zion's fuel.

Criterion 2

The enrichment increase does not
create the possibility for any new or
different type of accident. All other
acceptance criteria and operating
parameters (DNBR, F_0 , etc.) will remain
unchanged

Criterion 3

While the storage of fuel with
increased enrichment will potentially
bring the Spent Fuel Pool and the New
Fuel Vault somewhat closer to criticality
than was previously possible, this safety
margin reduction is not significant.

Attachments 2 and 4 to the July 12,
1985 submittal demonstrate that the
results of the proposed change are
clearly within all acceptable criteria.
Specifically, the reactivity acceptance
criteria of the Standard Review Plan,
Section 9.1.1 and 9.1.2, have been
satisfied.

Therefore, since the application for
amendment satisfies the criteria
specified in 10 CFR 50.92,
Commonwealth Edison Company has
made a determination that the
application involves no significant
hazards consideration.

The staff has reviewed licensee's
analysis and concludes that the
amendment satisfies the three criteria
listed in 10 CFR 50.92. Based on that
conclusion the staff proposes to make a
no significant hazards consideration
determination.

Local Public Document Room
location: Zion-Benton Library District,
2600 Emmaus Avenue, Zion, Illinois
60099.

Attorney to licensee: P. Steptoe, Esq.,
Isham, Lincoln and Beale, Counselors at
Law, Three First National Plaza, 51st
Floor, Chicago, Illinois 60602.

NRC Branch Chief: Steven A. Varga.

Commonwealth Edison Company,
Docket Nos. 50-295 and 50-304, Zion
Nuclear Power Station, Unit Nos. 1 and
2, Benton County, Illinois

Date of application for amendments:
August 8, 1985.

Description of amendments request:
These amendments would modify
Technical Specifications to reflect
installation of a degraded grid voltage
protection system.

**Basis for proposed no significant
hazards consideration determination:** 10
CFR 50.92 states that a proposed
amendment will involve a no significant
hazards consideration if the proposed
amendment does not: (1) Involve a
significant increase in the probability or

consequences of an accident previously
evaluated; or (2) Create the possibility of
a new or different kind of accident from
any accident previously evaluated; or (3)
Involve a significant reduction in a
margin of safety.

In accordance with 10 CFR 50.91(a)(1)
the licensee submitted the enclosed
analysis of the proposed amendment
using the Standard in 10 CFR 50.92.

Criterion 1

The installation of degraded grid
voltage protection provides additional
assurance that a stable source of power
for the required safety related
equipment will be available. This
increases the probability that the
equipment will be capable of performing
the required function. Thus, the
probability and consequences of the
previously analyzed accidents have not
been increased.

Criterion 2

Reference (a) to the August 8, 1985
application established the design
criteria that spurious operation of the
degraded grid protection system would
not occur. Reference (b) to the August 8,
1985 application stated that this design
goal has been met. Thus, this
modification can only serve to enhance
the power supply's reliability and does
not create the possibility of a new type
of accident.

Criterion 3

The margin of safety is increased by
this change. As discussed above, the
safety-related power supply should be
more reliable when protected against a
degraded grid voltage.

Therefore, since the application for
amendment satisfies the criteria
specified in 10 CFR 50.92,
Commonwealth Edison Company has
made a determination that the
application involves no significant
hazards consideration

The staff has reviewed the licensee's
analysis and concludes that the
proposed amendment satisfies the
criteria of 10 CFR 10.92. Based on that
conclusion staff proposes to make a no
significant hazards consideration
determination.

Local Public Document Room
location: Zion-Benton Library District,
2600 Emmaus Avenue, Zion, Illinois
60099.

Attorney to licensee: P. Steptoe, Esq.,
Isham, Lincoln and Beale, Counselors at
Law, Three First National Plaza, 51st
Floor, Chicago, Illinois 60602.

NRC Branch Chief: Steven A. Varga.

Consolidated Edison Company of New York, Docket No. 50-247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of amendment request: August 2, 1985.

Description of amendment request: The proposed amendment would revise the Indian Point Nuclear Generating Unit No. 2 Technical Specifications to delete the Boron Injection Tank (BIT) and its associated limiting conditions for operation and surveillance requirements. Consolidated Edison has requested the elimination of the BIT in order to remove it as a source of operational and maintenance problems at Indian Point 2.

Basis for proposed no significant hazards consideration determination: Consistent with the Commission's criteria for determining whether a proposed amendment to an operating license involves no significant hazards considerations, 10 CFR 50.92 (48 FR 14871), the proposed revisions to the Technical Specifications will not involve a significant increase in the probability or consequences of an accident previously evaluated because the licensee's analyses show that for all Final Safety Analysis Report (FSAR) cases, the Departure from Nucleate Boiling Ratio (DNBR) is above the limiting value of 1.30. The removal of the BIT will not create the possibility of a new or different kind of accident previously evaluated because the function of the BIT is to provide a source of concentrated boric acid to provide additional shutdown margin following a main steam line break. No new or different accidents would be involved. The removal of the BIT will not involve a significant reduction in margin of safety because, as stated above, the DNBR will remain above the minimum value of 1.30.

Therefore, the staff proposes to determine that the amendment does not involve a significant hazards determination.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Attorney for licensee: Brent L. Brandenburg, Esq., 4 Irving Place, New York, New York 10003.

NRC Branch Chief: Steven A. Varga.

Consumer Power Company, Docket No. 50-155, Big Rock Point Plant, Charlevoix County, Michigan

Date of amendment request: June 27, 1985.

Description of amendment request: The amendment proposes changes to

several Technical Specification surveillance frequencies. These surveillances are currently required to be performed at various intervals regardless of scheduled refueling shutdowns. These changes will allow continued operation of the plant between refueling shutdowns without having to take the plant to Cold Shutdown until a scheduled refueling outage. Standard Technical Specifications (STS) surveillance frequencies for equivalent equipment were used to establish these new surveillance frequencies.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards of 10 CFR 50.92 by providing certain examples (48 FR 14870, April 6, 1983). One of the examples (vi) of actions not likely to involve significant hazards considerations relates to a change which either may result in some increase to the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan (SRP).

The proposed changes to the surveillance requirements for the reactor safety system scram circuits, containment sphere isolation trip circuits, and emergency condenser trip circuits maintain the existing surveillance frequency of, each refueling outage, but change the bounding limit from 12 months to 18 months. This type of surveillance frequency currently exists in several other sections of the Big Rock Point Technical Specifications. The surveillance and replacement frequencies for the squib primers and trigger assemblies (liquid poison system components) are proposed to be changed from, at least every 12 months and replaced every 24 months, to, at least every 18 months and replaced every 36 months. Therefore, the surveillance testing and replacement frequencies are proposed to be decreased. The licensee maintains, however, that although these frequencies are being decreased, they do continue to limit the longest service of the components to the manufacturer's limit of 5 years.

Additionally, a similar change is proposed to the surveillance frequency for functional testing of the control rod permissive circuits. The current surveillance frequency provided in Section 6.2.2 and in Section 7.6 of the existing Technical Specifications requires functional testing of the

permissive circuits to be "not less frequent than once every 12 months". The proposed change allows the functional testing to be performed no less frequent than every 18 months. Also, since the capability exists to accomplish this testing while at power, there is no need to tie the surveillance frequency to a refueling shutdown (as does current technical specifications). Consequently, the proposed change provides for testing prior to each major refueling shutdown.

Although the surveillance frequencies of all of these tests do increase, the proposed changes are consistent with existing surveillance frequencies established in BWR STS. These proposed changes, therefore, fit example (vi), described above, since the changes are clearly within all acceptable criteria with respect to the system or component specified in the SRP. The SRP specifies that BWR STS are consistent with the regulatory guidance contained in the SRP. On this basis, therefore, the staff proposes to determine that the requested changes do not involve a significant hazards consideration.

Local Public Document Room location: North Central Michigan College, 1515 Howard Street, Petoskey, Michigan 49770.

Attorney for licensee: Judd L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Branch Chief: John A. Zwolinski. *Consumers Power Company, Docket No. 50-155, Big Rock Point Plant, Charlevoix County, Michigan.*

Date of amendment request: July 19, 1985; supersedes March 10, 1982 application.

Description of amendment request: The submittal received proposes changes to Big Rock Point (the facility) Technical Specifications (TS) for the Plant Monitoring System. The submittal also includes proposed TS for the addition of the Containment Pressure and Containment Water Level Monitors. This submittal completes Consumers Power Company's (the licensee's) commitment and associated responses to these specific NUREG-0737 items. The original application was initially noticed in the Federal Register on August 23, 1983 (48 FR 38397).

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870, April 6, 1983). One of the examples (ii) of actions not likely to involve significant hazards considerations relates to a change that

constitutes an additional limitation, restriction, or control not presently included in the TS. Section 6.4 of the current TS provides the list of systems which are considered part of the plant monitoring system. This proposed change adds to that list the containment pressure and water level monitoring systems. The proposed new Section 6.4.4 and changed Section 7.6 provide the new limiting conditions for operation, associated actions, and surveillance requirements for these new systems. The addition of these systems and associated operability requirements to the facility TS provide additional limitations and restrictions and therefore fit example (ii) described above. On this basis, the staff proposes to determine that the requested TS changes would involve no significant hazards considerations.

Local Public Document Room location: North Central Michigan College, 1515 Howard Street, Petoskey, Michigan 49770.

Attorney for licensee: Judd L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Branch Chief: John A. Zwolinski.

Consumers Power Company, Docket No. 50-155, Big Rock Point Plant, Charlevoix County, Michigan

Date of amendment request: August 16, 1985.

Description of amendment request: The application requests changes be made to the Technical Specifications (TS) in support of the planned fuel reloading. Specifically, the reload I1 fuel Maximum Average Planar Linear Heat Generation Rate (MAPLHGR) Limits are to be changed. The changes are required in order to implement new reactor operating limits for reload I1 fuel and facility power operation.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (April 6, 1983, 48 FR 14870). One of the examples (iii) of actions not likely to involve significant hazards considerations relates to a change resulting from a nuclear reactor core reloading, if no fuel assemblies significantly different from those found previously acceptable to the NRC for a previous core at the facility in question are involved. This assumes that no significant changes are made to the acceptance criteria for the TS, that the analytical methods used to demonstrate conformance with the TS and regulations are not significantly

changed, and that NRC has previously found such methods acceptable.

The proposed TS changes will implement reactor operating limits for reload I1 fuel. These reactor operating limits are based on the Loss of Coolant Accident (LOCA) analysis required by 10 CFR 50.46. The MAPLHGR limits for reload I1 are based on the LOCA analysis submitted by Consumers Power Company letter dated March 7, 1979 (Exxon Nuclear Company (ENC) Report XN-NF-78-53). Reload I1 is identical to the previous G3/G4 reloads in all respects except as described in the subsequent paragraph. The G3/G4 type reload TS changes were previously evaluated by the staff and, as a result, the staff issued Amendment No. 44 to the Facility Operating License (DPR-6).

Reload I1 fuel is identical in all respects to G3/G4 reloads except the reload I1 fuel has a smaller pellet-to-clad gap. The reload I1 fuel also has a higher helium prepressurization than the previous G3/G4 fuels. These minor differences have no effect on the thermal hydraulic design basis for ENC I1 fuel.

Therefore, since the reload does not contain any fuel assemblies significantly different from those previously found acceptable to the NRC, these proposed TS changes fit example (iii) described above.

Another example (i) of actions not likely to involve a significant hazards consideration relates to a change which is purely administrative, a change to achieve consistency throughout the TS, correction of an error, or a change in nomenclature. The proposed column heading changes to Tables 1 and 2 of the facility TS are editorial in that they provide space for the additional column required for the reload I1 fuel Operating Limit TS described above, and therefore fit example (i).

On these bases, therefore, the staff proposes to determine that these changes do not involve a significant hazards consideration.

Local Public Document Room location: North Central Michigan College, 1515 Howard Street, Petoskey, Michigan 49770.

Attorney for licensee: Judd L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Branch Chief: John A. Zwolinski.

Duke Power Company, Docket Nos. 50-369 and 50-370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of amendment request: September 6, 1984.

Description of amendment request: The proposed amendments would add Technical Specification 3/4.4.11 and an associated bases to provide operability and surveillance requirements for the Reactor Coolant System (RCS) Vent System required by 10 CFR 50.44(c)(3)(iii).

Basis for proposed no significant hazards consideration determination: The RCS vent system is a newly installed system required by 10 CFR 50.44(c)(3)(iii) to provide for post-accident venting of noncondensable gases from the high points of the reactor coolant system. The McGuire design provides vent paths from the pressurizer steam space and the reactor vessel head.

The Commission has provided guidance concerning the application of its standards set forth in 10 CFR 50.92 for no significant hazards considerations by providing certain examples published in the Federal Register on April 6, 1983 (48 FR 14870). One of the examples of an amendment likely to involve no significant hazards consideration relates to changes (ii) that constitute additional limitations, restrictions, or controls not presently included in the Technical Specifications. The proposed amendments of the Technical Specifications match the example because they would impose additional limitations for operation and additional surveillance requirements for a newly installed system not presently addressed in the Technical Specifications. The proposed addition does not replace or relax any existing requirements in the Technical Specification. Therefore, the Commission proposes to determine that the proposed amendments do not involve a significant hazards consideration.

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223.

Attorney for licensee: Mr. Albert Carr, Duke Power Company, P.O. Box 33189, 422 South Church Street, Charlotte, North Carolina 28242.

NRC Branch Chief: Elinor G. Adensam.

Duke Power Company, Docket Nos. 50-369 and 50-370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of amendment requests: November 12, 1984, and January 30, 1985.

Description of amendment request: The proposed amendments would change the action statement for the

limiting condition for operation, and the surveillance requirement, for Technical Specification 3/4.5.1, Cold Leg Injection Accumulators. Specifically the requirement to be in hot shutdown (specified in the action statement when one accumulator is inoperable for reasons other than a closed isolation valve) would be replaced by a requirement to reduce pressurizer pressure to less than 1000 psig. The requirement to be in hot standby within "1 hour and in HOT SHUTDOWN within the following 12 hours" (specified in the action statement when one accumulator is inoperable due to the isolation valve being closed) would be changed to require that the reactor be in hot standby within "6 hours and that pressurizer pressure be reduced to less than 1000 psig within the following 6 hours." Surveillance requirement 4.5.1.1.1.d, which requires periodic testing of the automatic opening feature of the accumulator isolation valves, would be deleted.

Basis for proposed no significant hazards consideration determination: Technical Specification 3.5.1.1 requires each cold leg injection accumulator to be operable with the isolation valve open when pressurizer pressure is above 1000 psig. The existing Specification 3.5.1.1 allows 1 hour to place the reactor in hot standby when accumulator inoperability is due to a closed isolation valve, but allows 6 hours when accumulator inoperability is not due to a closed isolation valve. This is inconsistent because the potential causes for accumulator inoperability other than a closed accumulator isolation valve (e.g., total loss of nitrogen gas pressure) have a safety significance comparable to that of a closed accumulator isolation valve. The 1 hour requirement is unnecessarily conservative since the inoperability of the accumulators for up to 6 hours was previously determined to pose negligible adverse safety consequence. Accordingly, the change from 1 hour to 6 hours to be in hot standby when inoperability is due to a closed isolation valve is equally acceptable and does not cause a significant adverse effect upon the probability or consequences of an accident previously evaluated, does not give rise to any new accident, and has no significant adverse impact upon a safety margin.

The other change to Specification 3.5.1.1 would require that pressurizer pressure be lowered below 1000 psig within 6 hours instead of placing the reactor in hot shutdown as currently required. Plant operating procedures require that the accumulators be

isolated below a reactor coolant system pressure of 1000 psig in order to prevent inadvertent injection during planned depressurization (i.e., shutdown). In support of these operating procedures, licensee's analysis of a large break LOCA during a plant cooldown has previously demonstrated (see Supplement 2 to SER, Section 6.3.4) that adequate protection is provided without the cold leg injection accumulators if reactor coolant system pressure at the time of the accident was at or below 1000 psig. Thus, because accumulators serve no safety function below 1000 psig, the change does not adversely affect either the probability or consequences of an accident previously evaluated, does not give rise to any new accident, and has no adverse impact on a safety margin.

The accumulator isolation valves must be open for the accumulators to accomplish their safety (injection) function. The design of the control circuit for the motor-operated accumulator isolation valve as accepted by the staff in SER Section 7.3.3 protected against inadvertent closure of the valve by an automatic opening feature. Although the valve is normally open when RCS pressure is above 1000 psig, it receives a safety injection signal to override any bypass feature and cause automatic opening should the valve be closed. The licensee proposes to delete Surveillance Specification 4.5.1.1.1.d which requires periodic testing of the automatic opening feature of the accumulator isolation valves because changes in operating procedures negate the need for (and functioning of) such a feature (and hence the need for its testing). The licensee's operating procedure for unit startup requires that the valves be opened before exceeding 1000 psig, and that after opening, power to the valve operators is to be disconnected by removal of the breaker from the circuit. Hence, the possibility of inadvertent closure is eliminated by removal of the power source at all times except for those brief periods during planned startups and shutdowns when a deliberate change in valve position is required. The possibility of prolonged operation following inadvertent failure to open the isolation valves during repressurization of the reactor coolant system in accordance with the licensee's startup procedures is eliminated by Surveillance Specification 4.5.1.1.1.a(2) which would not be changed by the proposed amendments and requires verification at least once per 12 hours that each accumulator isolation valve is open. Elimination of the periodic test

requirement where the function to be tested is no longer relied upon, and where the 12-hour surveillance requirement is retained, would not have a significant adverse effect on either the probability or consequences of any accident previously evaluated, give rise to any new accident mechanisms, or significantly reduce any safety margin.

The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870) of actions involving no significant hazards considerations. The proposed changes do not match any of the examples. However, based upon our preliminary review of the amendment requests and the above discussion, the Commission proposes to determine that operation of the facility in accordance with the proposed amendments would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Therefore, the staff proposes to determine that this request involves no significant hazards consideration.

The licensee's letter of January 30, 1985, also requested changes to Technical Specifications for the Upper Head Injection Systems. This part of the request is outside the scope of this notice.

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223.

Attorney for licensee: Mr. Albert Carr, Duke Power Company, P.O. Box 33189, 422 South Church Street, Charlotte, North Carolina 28242.

NRC Branch Chief: Elinor G. Adensam.

Duke Power Company, Docket Nos. 50-369 and 50-370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina.

Date of amendment request: January 30, 1985.

Description of amendment request: The proposed amendments would revise action statements of the limiting conditions for operation and a surveillance requirement in Technical Specification 3/4.5.1.2, Upper Head Injection Accumulator System (UHI). Specifically, the requirement to be in hot shutdown (specified in ACTION (a) which applies when the UHI is inoperable for reasons other than a closed isolation valve) would be replaced by a requirement to reduce

pressurizer pressure to less than 1900 psig. The requirement to be in "HOT STANDBY within 1 hour and be in HOT SHUTDOWN within the next 12 hours" (specified in ACTION (b) which applies when the UHI is inoperable due to a closed isolation valve) would be changed to require that the reactor be in "at least HOT STANDBY within 6 hours and reduce pressurizer pressure to less than 1900 psig within the following 6 hours." Surveillance Specification 4.5.1.2.c(1) would be clarified to more accurately reflect the type of testing used to verify auto-matic closure of each UHI accumulator isolation valve (i.e., to reflect use of "an actual or simulated water level signal") and to clarify that "if actual water level is used, then the accumulator should be at atmospheric pressure."

Basis for Proposed No Significant Hazards Consideration Determination: Technical Specification 3.5.1.2 requires each UHI to be operable with the isolation valves open when pressurizer pressure is above 1900 psig (i.e., for Modes 1, 2, and 3, but for Mode 3 only above 1900 psig). The existing Specification 3.5.1.2 allows 1 hour to place the reactor in hot standby when UHI is inoperable due to a closed isolation valve (i.e., for ACTION (b)), but allows 7 hours when UHI inoperability is not due to a closed isolation valve (i.e., for ACTION (a)). This is inconsistent because the potential causes for UHI inoperability other than a closed isolation valve (e.g., total loss of the gas-bearing accumulator pressure) have a safety significance comparable to that of a closed isolation valve. The 1 hour requirement is unnecessarily conservative since the inoperability of UHI for up to 7 hours was previously determined to pose negligible adverse safety consequences. Therefore, the change from 1 to 6 hours to be in hot standby when UHI inoperability is due to a closed isolation valve is also acceptable and will not significantly increase the probability or consequences of accidents previously evaluated, will not create any new accident, and will not have a significant adverse effect upon safety margins.

The other change to ACTION (a) and ACTION (b) would permit the pressurizer pressure to be reduced below 1900 psig in operational Mode 3 (hot standby) instead of placing the reactor in hot shutdown. (for ACTION (b), an additional conservatism would be introduced in that the change would require that this pressure reduction be achieved within 12 hours, whereas the existing ACTION (b) provides a total period of 13 hours for the plant to be in

hot shutdown.) Plant operating procedures require that the UHI isolation valves be closed below a reactor coolant system pressure of 1900 psig in order to prevent inadvertent injection during planned depressurization (i.e., shutdown). In support of these operating procedures, licensee's analysis of a large break LOCA during a plant cooldown has previously demonstrated (see Supplement 2 to SER, Section 6.3.4) that adequate protection is provided without UHI injection if reactor coolant system pressure at the time of the accident was at or below 1900 psig. Thus, because UHI serves no safety function below 1900 psig, the change does not adversely affect either the probability or consequences of an accident previously evaluated, does not give rise to any new accident, and has no adverse impact on a safety margin.

The current Surveillance Specification 4.5.1.2.c requires that each UHI accumulator isolation valve be periodically verified to close automatically when the water level is 76.25 ± 3.3 inches above the bottom inside edge of the water filled accumulator with atmospheric pressure in the accumulator. The specification requires clarification because in its present form it could be interpreted to mean that the actual tank water level is to be reduced to the setpoint in order to verify that each accumulator isolation valve closes. Such a limited interpretation is not intended; use of simulated signals to test safety systems in which an instrument reaching a setpoint actuates a device is an industry-wide practice which is also acceptable to the Commission as evidenced by its acceptance for other safety related systems involved with water level (e.g., high pressurizer water level and low steam generator water level). Surveillance Specification 4.5.1.2.C would be modified to clarify that simulated signals may be used to verify automatic accumulator isolation valve closure.

The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). One of the examples of actions involving no significant hazards considerations, (i), relates to purely administrative changes to the Technical Specifications. The change to Surveillance Specification 4.5.1.2.c matches the example because it merely clarifies the testing requirement consistent with the Commission's intended meaning. The changes to Specification 3.5.1.2 do not match any of

the examples. However, based upon our preliminary review of the amendment requests as reflected in the above discussion, the Commission proposes to determine that operation of the facility in accordance with the proposed amendments would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Therefore, the staff proposes to determine that this request involves no significant hazards consideration.

The licensee's letter of January 30, 1985, also requested changes to Technical Specifications with respect to the UHI membrane located between the water-filled and nitrogen bearing accumulators. This part of the request is outside the scope of this notice.

Local Public Document Room locations: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223.

Attorney for Licensee: Mr. Albert Carr, Duke Power Company, P.O. Box 33189, 422 South Church Street, Charlotte, North Carolina 28242.

NRC Branch Chief: Elinor G. Adensam.

Duquesne Light Company, Docket No. 50-334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of amendment request: July 12, 1985.

Description of amendment request: The proposed amendment would revise Section 3.2.3, "Nuclear Enthalpy Hot Channel Factor", by deleting the rod bow penalty multiplier. The basis of the requested change is contained in a Westinghouse Topical Report, WCAP-8691, Revision 1, which the staff has approved on December 29, 1982.

The report provides a basis for removing the rod bow penalty applied to the nuclear enthalpy hot channel factor by the use of a rod bow power peaking factor uncertainty. This is then statistically combined with the nuclear power distribution uncertainty and the engineering hot channel factor, to yield a new total heat flux hot channel factor uncertainty with a maximum value of 1.069. This value is the maximum required total peaking factor uncertainty, including the effects of rod bow.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards for determining whether a significant hazards consideration exists by providing a certain examples (48 FR 14870). One of these, Examples (vi),

involving no significant hazards consideration is "a change resulting from the application of a small refinement of a previously used calculational model or design method." The requested change matches this example since the rod bow calculational model has been refined by the NRC-accepted methodology provided in WCAP-8691 Revision 1. The staff therefore proposes to characterize the requested change as involving no significant hazards consideration.

Local Public Document Room
location: B.F. Jones Memorial Library,
663 Franklin Avenue, Aliquippa,
Pennsylvania 15001.

Attorney for licensee: Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Stevan A. Varga.

Duquesne Light Company, Docket No. 50-334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of amendment request: July 12, 1985.

Description of amendment request: Present surveillance requirements (Technical Specifications Section 4.3.3.3.2) specify recalibrating the seismic monitoring instruments within 24 hours following a seismic event. The manufacturer states that a typical channel calibration would take a minimum of 5 days assuming that all of the instruments could be removed at once and that the required personnel were available. If any equipment or personnel-related delays occurred, this would take even longer. Therefore, because of the complexity of the seismic instrumentation, the 24-hour requirement is impractical.

It is important to calibrate seismic instrumentation soon after a seismic event in order to confirm instrument characteristics and validate data reduction. However, it is also important not to remove the entire system from operation immediately following a seismic event since this is the period of time during which aftershocks may occur. If all of the seismic instrumentation were taken off-line for a channel calibration immediately after a seismic event, important aftershock data would probably be missed.

Therefore, for the reasons given above, the licensee recommends revising the surveillance requirements from 24 hours to 30 days to allow sufficient time for both aftershock recording and channel calibration in phases. Calibration in phases is recommended to allow part of the

seismic instrumentation to be on-line at all times.

Basis for proposed no significant hazards consideration determination: The proposed amendment does not involve any modification of existing instruments, nor does it alter the operational procedure of any equipment. While the amendment would allow more time to complete channel calibration, it also ensures that some instruments (those that are not being calibrated) are available to monitor aftershock data. We conclude that the proposed amendment would not involve any significant increases in the probability or consequences of an accident previously evaluated, would not create the possibility of a new or different kind of accident from any accident previously analyzed, and would involve no reduction in the margin of safety. We, therefore, propose to characterize the proposed amendment as involving no significant hazards consideration.

Local Public Document Room
location: B. F. Jones Memorial Library,
663 Franklin Avenue, Aliquippa,
Pennsylvania 15001.

Attorney for licensee: Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Stevan A. Varga.

Florida Power and Light Company, Docket No. 50-335, St. Lucie Plant, Unit No. 1, St. Lucie County, Florida

Date of amendment request: July 19, 1985.

Description of amendment request: The proposed amendment would revise the Technical Specifications to permit continued operation at rated thermal power for a specified time following a dropped control element assembly. Also, the current action statement C in Technical Specification 3.1.3.1 would be reformulated into new action statements C and H. This reformulation will better correlate the requirements for corrective action.

Basis for proposed no significant hazards consideration determination: The proposed changes would recognize the distinctions in safety analysis requirements by reconstructing the present action statement into two different action statements; one with applicability when control element assemblies are above the long term insertion limits and a separate one when the control element assemblies are inserted beyond the long term insertion limits. This separation will also aid in the standardization of technical specifications between St. Lucie Plant, Unit Nos. 1 and 2. No changes in safety

analysis results or input are required as a result of this separation, or the addition of Figure 3.1-1a. Therefore, as required by 10 CFR 50.92(c)(1), the proposed changes do not result in an increase in the probability or consequences of any accident previously evaluated because no change in analysis input or assumptions is required for any transient.

The proposed changes to the technical specifications do not create the possibility of a new or different type of accident from any accident previously evaluated because neither the configuration of the plant nor its mode of operation will be modified. Therefore, there is no increase in the possibility of a new or different type of accident as discussed in 10 CFR 50.92(c)(2).

The proposed changes will not result in any reduction in the margin of safety as discussed in 10 CFR 50.92(c)(3) because no inputs to, or results from, plant safety analysis require change or modifications.

The required overpower margin for each transient analyzed for St. Lucie 1 is unaffected by the proposed changes, therefore, the difference between reactor safety limits and the results of the safety analysis, which is representative of the margin of safety, is unchanged.

Based on the above information, the staff proposes to determine that the proposed changes do not involve a significant hazards consideration.

Local Public Document Room
location: Indian River Junior College
Library, 3209 Virginia Avenue, Fort
Pierce, Florida 33450.

Attorney for licensee: Harold F. Reis, Esquire, Newman and Holtzinger, 1615 L Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Edward J. Butcher, Acting.

Florida Power and Light Company, et al., Docket Nos. 50-335 and 50-389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Date of amendment request: May 15 and May 21, 1984 as modified May 23 and August 26, 1985.

Description of amendment request: The proposed amendments would make changes in the technical specifications of St. Lucie Plant, unit Nos. 1 and 2 to reflect organizational changes, administrative changes (such as alphabetizing the definitions in the Unit 1 technical specifications) and changes to reflect the requirements of 10 CFR 50.72 and 50.73 as defined in Generic Letter 83-43.

The original changes that were proposed were contained in applications

dated May 15 and May 21, 1984. The newest versions of the proposed amendments address NRC staff comments on the original applications and the staff's request for additional information dated December 7, 1984. The licensee's responses are contained in letters dated May 23 and August 26, 1985 and address the specific requests of the staff by enclosing modified technical specifications that update the organization charts and clarify compliance with 10 CFR 50.72 and 50.73.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards contained in 10 CFR 50.92(c) by providing examples of amendments considered likely, and not likely, to involve a significant hazards consideration. These were published in the *Federal Register* on April 6, 1983 (48 FR 14870). One of the examples of actions involving no significant hazards consideration, (i), relates to amendments of a purely administrative change to technical specifications, correction of an error, a change in nomenclature, or a change to achieve consistency throughout the technical specifications. The proposed changes to the St. Lucie Plant, Unit Nos. 1 and 2 Technical Specifications meet this example, in part, in that the amendments provide current organizational charts and amend the sections dealing with definitions and administrative controls to obtain consistency between the Unit 1 and Unit 2 Technical Specifications. Another example of actions involving no significant hazards consideration (vii) relates to changes to make a license conform to changes in the regulations, where the license changes result in very minor changes to facility operations clearly in keeping with the regulations. The proposed changes to the St. Lucie Plant, Unit Nos. 1 and 2 Technical Specifications meet this example, in part, in that the amendments incorporate the requirements of 10 CFR 50.72 and 50.73 as defined in Generic Letter 83-43. These changes deal exclusively and reporting requirements and do not affect plant operations.

Based on the above discussion, the staff concludes that the proposed changes will not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety, because the changes do not affect the assumptions and inputs used in previously analyses nor do they

affect in any way the normal operation of St. Lucie Plant, Unit Nos. 1 and 2. Therefore, the requirements of 10 CFR 50.92(c) are satisfied.

The NRC staff previously issued its proposed determination that the applications for amendments dated May 15 and May 21, 1984 did not involve a significant hazards consideration (June 20, 1984 at 49 FR 25359 for St. Lucie Plant, Unit No. 1 and July 24, 1984 at 49 FR 29909 for St. Lucie Plant, Unit No. 2).

Based on the above, the staff proposes to determine that the proposed changes do not involve a significant hazards consideration.

Local Public Document Room
location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 33450.

Attorney for licensee: Harold F. Reis, Esquire, Newman and Holtzinger, 1615 L Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Edward J. Butcher, Acting.

Florida Power & Light Company, Docket No. 50-335 and 50-389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Date of amendment request: July 19, 1985.

Description of amendment request: The proposed amendment for St. Lucie Plant, Unit No. 1 would amend operating license DPR-67 technical specifications to add Incore Thermocouples, Containment Sump Water Level (narrow and wide ranges), Containment Pressure, and Reactor Vessel Level Monitoring System to Tables 3.3-11 and 4.3-7. The amendment for St. Lucie Plant, Unit No. 2 would amend Operating License NPF-16 technical specifications to add the Reactor Vessel Level Monitoring System to Tables 3.3-10 and 4.3-7. Appropriate operability and action statements will be added, also.

Basis for proposed no significant hazards consideration determination: The requested changes to the Technical Specifications (TS) would revise the tables to add instrumentation that is currently installed and operational. These additions will provide a higher degree of control and operational readiness by requiring operability and monthly surveillance of accuracy.

The requested license amendments do not increase the probability or consequences of accidents previously analyzed. The plant hardware and normal operating conditions are not affected by the proposed changes. Addition of monthly surveillances will not involve any significant increase in the probability or consequences of an accident previously evaluated, but will

assure accurate output from these instrument channels. Based on this, the criteria set forth in 10 CFR 50.92(c)(1) is satisfied.

The plant hardware and basis plant operation are not affected by the proposed changes. Therefore, the possibility for a new or different type of accident is not created and the criteria of 10 CFR 50.92(c)(2) is satisfied.

Since the consequences of accidents previously evaluated are not increased and no new or different types of accidents are introduced, all margins of safety will be maintained. This satisfies the criteria of 10 CFR 50.92(c)(3).

In addition, the Commission has provided guidance concerning the application of these standards by providing examples of amendments considered likely, and not likely, to involve a significant hazards consideration. These were published in the *Federal Register* on April 6, 1983 (48 FR 14870). One of the examples of actions involving no significant hazard consideration, (ii), relates to changes that constitute an additional limitation, restriction, or control not presently included in the technical specifications, for example, a more stringent surveillance requirement. The proposed changes provide for additional control and more stringent surveillance requirements and the above cited example directly applies to this application.

Based on the above considerations, the staff proposes to determine that the proposed changes do not involve a significant hazards consideration.

Local Public Document Room
location: Indian River Junior College Library 3209 Virginia Avenue, Fort Pierce, Florida 33450.

Attorney for licensee: Harold F. Reis, Esquire, Newman and Holtzinger, 1615 L Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Edward J. Butcher, Acting.

Florida Power and Light Company, et al., Docket No. 50-389, St. Lucie Plant, Unit No. 2, St. Lucie County, Florida

Date of amendment request: August 31, 1984 as modified April 12, 1985.

Description of amendment request: The proposed amendment would make changes to the technical specifications that would limit the use of the 8-inch containment purge system to required safety related purposes, such as (1) maintaining containment pressure within the technical specification limit, and (2) reducing containment atmosphere activity and/or improving air quality to an acceptable level for

containment entry to conduct safety related tasks.

The original application for amendment dated August 31, 1984 proposed that restrictions on the use of the 8-inch containment purge system be removed and that continuous purge using the 8-inch purge system be allowed. The staff found that continuous purge was unacceptable. The newest version of the proposed amendment addresses this staff position and was the result of several discussions with the licensee. The results are documented in the licensee's submittal of April 12, 1985. This submittal modifies the original application to limit the use of the 8-inch containment purge system to required safety related purposes, as indicated above.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no significant hazards considerations if operation of the facility in accordance with a proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in a margin of safety.

A discussion of these standards as they relate to this amendment follows:

Standard 1—Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed technical specification would allow operation of the containment purge system for safety related purposes. This represents a potential increase in operating time now limited to 1000 hours, or less, per year. This would not increase the probability of an accident since this system cannot, in itself, cause an accident. The system does serve to mitigate the consequences of a potential release to the public following a Loss of Coolant Accident (LOCA). In the evaluation of the system's valves, they are assumed to be open when a LOCA occurs. The valves are designed to close within 5 seconds of the start of a containment isolation actuation signal. This meets NRC Branch Technical Position CSB 6-4. Further, the system has been designed to accommodate a single failure. In the event of an accident, offsite doses will not exceed the limits specified in 10 CFR Part 100.

Standard 2—Create the Possibility of a New or Different Kind of Accident From Any Accident Previously Evaluated

Allowing the use of the 8-inch containment purge system for safety related purposes does not involve any evolution that is not currently performed. In addition, the system, in itself, cannot cause an accident; therefore, operation for safety related purposes does not lead to the possibility of a new or different kind of accident from any previously evaluated.

Standard 3—Involve a Significant Reduction in a Margin of Safety

The containment purge system was originally designed for continuous operation. In the event of a LOCA, with a failure of a single 8-inch purge valve to close, the remaining valves will close within 5 seconds. Offsite doses due to a LOCA and one 8-inch purge valve failure will not exceed 10 CFR Part 100 limits.

Allowing purge through the 8-inch containment purge system for safety related purposes does not place the plant in a different configuration than what is currently routine practice. Therefore, the operation of the 8-inch purge system in this manner does not involve a significant reduction in a margin of safety.

The Commission has also provided guidance concerning the application of these standards by providing examples of amendments considered likely, and not likely, to involve a significant hazards consideration. These were published in the *Federal Register* on April 6, 1983 (48 FR 14870). One of the examples of actions involving no significant hazards consideration (iv) relates to a relief granted upon demonstration of acceptable operation from an operating restriction that was imposed because acceptable operation was not yet demonstrated. This assumes that the operating restriction and the criteria to be applied to a request for relief have been established in a prior review and that it is justified in a satisfactory way that the criteria have been met. The proposed amendment, which would allow greater flexibility in the operation of the 8-inch purge system, is considered to be similar to example (iv) in that it involves relief from an operating restriction that was imposed prior to licensing because justification for the change requested in this amendment, based on plant operating experience, did not exist at that time.

The NRC staff previously issued a proposed determination that the original application for amendment dated August 31, 1984 did not involve a

significant hazards consideration (September 28, 1984 at 49 FR 39390). The newest version of the proposed amendment is more restrictive than the original amendment application that was previously noticed.

Based on the above, the staff proposes to determine that the proposed changes do not involve a significant hazards consideration.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 33450.

Attorney for licensee: Harold F. Reis, Esquire, Newman and Holtzinger, 1615 L Street, NW., Washington, D.C. 20038.

NRC Branch Chief: Edward J. Butcher, Acting.

General Electric Company, Docket No. 50-70, General Electric Test Reactor (GETR) Vallecitos Nuclear Center, Alameda County, California

Date of amendment request: June 26, 1985, as supplemented July 15, 1985.

Description of amendment request: By letter dated June 26, 1985, as supplemented July 15, 1985, GE requested an amendment to their license renewal application dated October 21, 1975 that would convert their current reactor operating license TR-1 to a possess-but-not-operate license. Prior notice of the application for renewal was given in *Federal Register* on September 15, 1977 at 42 FR 46427.

Basis for proposed no significant hazards consideration determination: All reactor fuel, fueled experiments, and targets containing SNM have been removed from the reactor facility and shipped from the Vallecitos Nuclear Center (VNC). In addition, all contaminated resins have been removed from the demineralizers and shipped to a licensed waste disposal facility. Therefore, only activation and fission product contamination remain. A confinement approach will be utilized to minimize the possibility of contamination spreads and uncontrolled discharges. The confinement system consists of primary containers, piping, the ventilation system, and the reactor building.

Activities to be performed at the facility would include decontamination testing and decommissioning training exercises. Work will be limited to equipment, components, or devices would or could be removed, repaired, replaced or installed as part of "normal maintenance" under the operating license. In addition, all such work would exclude installation or reinstallation of any fuel, equipment, component or device for the purpose of restoring the

facility to a condition where it would be capable of operating as a nuclear reactor. The proposed activities would not involve the material alteration of the reactor facility.

The licensee has proposed Technical Specifications which (1) define the activities that require confinement and specify the actions to be taken and the equipment provided to achieve confinement; (2) provide assurance the reactor ventilation system is operable when required; (3) require that during the performance of restricted activities, the stack effluent shall be monitored or sampled; and (4) specify stack release rate limits that are lower than the current ones for the operating reactor facility.

There are no credible accidents which can be postulated which could result in the release of significant amounts of radioactive materials.

For the above reasons, the staff concludes that the proposed activities do not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

Therefore, the staff proposes to determine that the requested action does not involve a significant hazards consideration.

Attorney for licensee: George Edgar, Esquire, Newman and Holtzinger, 1615 L Street, NW., Suite 1000, Washington, D.C. 20036.

NRC Branch Chief: Cecil O. Thomas.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket No. 50-321, Edwin I. Hatch Nuclear Plant, Unit No. 1, Appling County, Georgia

Date of amendment request: June 24, 1985.

Description of amendment request: The amendment would add words that were inadvertently left out of Technical Specification 4.5.D.2 during retyping for a submittal dated April 22, 1983.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for the application of the criteria in 10 CFR 50.92 by providing examples of amendments that are considered not likely to involve a significant hazards consideration (48 FR 14870). One such example (i) of action not likely to involve significant hazards consideration is a purely administrative change to the Technical Specifications. The change to the Technical

Specifications described above is similar to this example.

On the basis of the above, the Commission has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.

Attorney for licensee: G.F. Trowbridge, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: John F. Stolz.

Mississippi Power & Light Company, Middle South Energy, Inc., Mississippi Electric Power Association, Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of amendment request: August 23, 1985.

Description of Amendment Request: The amendment would make changes in the license conditions and Technical Specifications necessary to modify and test one of two trains of the standby service water (SSW) system during the fall 1985 scheduled outage to satisfy, in part, License Condition 2.C.(20).

The changes proposed are: (1) Change Technical Specifications 3.8.1.1 and 3.8.1.2 to require diesel fuel storage for each of diesel generators 11 and 12 to be increased from 48,000 to 57,200 gallons to be consistent with larger SSW pumps to be installed; (2) change License Condition 2.C.(20) to allow valves isolating the spent fuel pool coolers to be opened provided the associated SSW subsystem is declared inoperable in accordance with Technical Specifications; and (3) add a license condition to allow a temporary exception to Technical Specification 3/4.7.1.3 (which requires a 30 day water supply in the SSW cooling tower basin without makeup) provided a specified water level is maintained and two sources of makeup in addition to normal makeup are available.

Basis for proposed no significant hazards consideration determination: The proposed changes are needed to allow modifications to the standby service water system (SSW) during the outage scheduled in October and November 1985. The License Condition 2.C(20) requires modifications to the SSW system and verification that design flow can be achieved in all SSW system components prior to storing irradiated fuel in the spent fuel pool and requires the spent fuel pool coolers to be isolated from the SSW system by locked closed valves until the modifications and verification tests are completed. The licensee is planning to modify Train B of

the SSW system in the fall 1985 outage and will modify Train A during the first refueling outage. The modifications proposed for the fall 1985 outage include installation of a larger capacity SSW pump in SSW cooling tower Train B which requires draining of the basin. Modifications also include relocation of the SSW loop B supply and return valves to the spent fuel pool cooler which requires taking the spent fuel pool cooler in the B loop out of isolation. Verification tests of design flow to spent fuel pool coolers will also require taking the spent fuel pool cooler out of isolation. The modifications and tests will be made while the plant is in cold shutdown. Prior to startup following the 1985 outage, the SSW cooling tower basin will be refilled and the spent fuel pool coolers will be isolated until the other SSW loop modifications are completed.

The design change will be performed in accordance with appropriate regulatory and industry codes and standards, the GGNS Quality Assurance Program, and the applicable requirements of the GGNS FSAR. The proposed technical specification changes to the fuel capacities (change 1) will make the technical specifications consistent with the plant as modified by the proposed design change. The proposed revision to License Condition 2.C.(20) (change 2) will allow a necessary design change to prevent water hammer in SSW loop B piping, permit SSW loop B flow testing and permit evolutions involving alternate decay heat removal methods. Since the SSW subsystem associated with an open valve to the fuel pool cooler must be declared inoperable by the proposed change, assurance is provided by appropriate technical specification action statements that the plant will be maintained in a safe condition. The proposed temporary license condition (change 3) will be in effect only while the plant is in cold shutdown. The major heat load handled by SSW during cold shutdown is decay heat from the reactor fuel. After day 17 from plant shutdown the dominant heat load on the SSW system (after a loss of offsite power coincident with the design basis loss of coolant accident) is from running equipment instead of reactor decay heat. The probability of a design basis loss of coolant accident while the plant is in cold shutdown is low and the consequences of the accident are small in comparison to having the accident at 100% power. The diversity of water sources offered for makeup to SSW basin A will ensure a water supply after the present capacity of 16 days (from

day eight of the outage) is used. Even in the unlikely event that no makeup can be provided, the inventory of water between 107' and 84' (providing an additional 16 day supply) can be utilized with a relatively small reduction in the design flow to equipment. If the provisions of the proposed license condition cannot be met, SSW basin A will be declared inoperable and appropriate technical specification action requirements will be implemented.

The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated because of the low probability of an accident while the plant is in cold shutdown and the consequences of an accident in cold shutdown are not as severe as when the plant is at power. When the design change is complete, the increased flow and basin draindown ability of the new SSW pump will provide greater heat removal capacity than the present pump. Design requirements of 30 days without makeup water are assured (by use of the siphon between SSW basins A and B if required) until the first refueling outage. MP&L will provide a submittal prior to the first refueling outage to request operating license changes to facilitate SSW basin A design changes and removal of present restrictions on SSW operability and spent fuel storage prohibitions.

The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated because the license condition ensures an adequate supply of water to SSW basin A while the design change is in progress. Once the design change is completed, SSW basin design requirements of 30 days without makeup water will be assured (by use of the siphon if required) until the first refueling outage. MP&L will provide a submittal prior to the first refueling outage to request operating license changes to facilitate SSW basin A design changes and removal of present restrictions on SSW operability and spent fuel storage prohibitions. Thus, no new or different accident scenarios are postulated by performing the proposed design change to SSW basin B.

The proposed changes do not involve a significant reduction in a margin of safety because the proposed license condition ensures design water supply for SSW basin A while the design modifications are being performed and the return to the existing water supply when the modifications are completed and prior to a return to power operation.

Accordingly, the Commission proposes to determine that these

changes do not involve a significant hazards consideration.

Local Public Document Room location: Hinds Junior College, McLendon Library, Raymond, Mississippi 39154.

Attorney for licensee: Nicholas S. Reynolds, Esquire, Bishop, Liberman, Cook, Purcell and Reynolds, 1200 17th Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Elinor G. Adensam.

Northeast Nuclear Energy Company, et al., Nos. 50-245 and 50-336, Millstone Nuclear Power Station, Unit Nos. 1 and 2, New London County, Connecticut

Date of amendment request: May 22, 1985 and supplemented by letter dated July 2, 1985.

Description of amendment request: The proposed amendments to the Operating Licenses would incorporate the proposed Revision 3 to the Suitability, Training & Qualification Plan. These amendments would: (1) Permit the use of contingency guard force personnel not normally assigned to the guard force to be assigned to replace striking guard force personnel; and (2) eliminate the requirement that Security Shift Supervisors (SSS) be required to requalify annually in crucial tasks performed by watchmen and guards, unless they are assigned to these tasks as a member of the contingency guard force. Any additional description of the changes beyond that stated above involves Safeguards Information, which is being withheld from public disclosure pursuant to 10 CFR 73.21.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards considerations if operation of the facility in accordance with a proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in a margin of safety.

The use of contingency guard force personnel to replace striking guard force personnel to perform specific crucial tasks is acceptable in that all contingency guard replacement personnel will satisfy all suitability, physical and mental requirements of the Suitability Training and Qualification Plan prior to performing any tasks.

The elimination of the requirement that Security Shift Supervisors (SSS) be required to requalify annually in crucial tasks performed by watchmen and guards, unless they are assigned to these tasks as a member of the contingency guard force, is acceptable because: The SSS will continue to qualify in these tasks during their initial training, and the need to utilize SSS as watchmen or guards is remote because of the availability of fully trained guard force personnel, and if the need should arise, SSS could, and would, be trained to perform specific watchmen and guard duties without unreasonable delay.

Therefore, the proposed change would not involve or create any of the three factors quoted above. Accordingly, the staff proposes to determine that the proposed change does not involve a significant hazards consideration.

Local Public Document Room location: Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut.

Attorney for licensee: Gerald Garfield, Esq., Day, Berry and Howard, One Constitution Plaza, Hartford, Connecticut 06103.

NRC Branch Chief: John A. Zwolinski (Unit 1) and Edward J. Butcher, Acting (Unit 2).

Northeast Nuclear Energy Company, et al., Docket No. 50-336, Millstone Nuclear Power Station, Unit 2, New London County, Connecticut

Date of amendment request: July 24, 1985.

Description of amendment request: The proposed change to the Technical Specifications would authorize the licensee to increase the spent fuel pool storage capacity from 667 to 1112 storage locations. The proposed expansion is to be achieved by reracking the spent fuel pool with a combination of poison racks and non-poison racks in a two-region arrangement.

Region I consists of two 8 x 9 modules and three 8 x 10 modules and would store high-enrichment, core off-load assemblies. The region consists of poisoned spent fuel racks with a nominal center-to-center cell spacing of 9.8 inches. Fuel assemblies would be stored in every location. The five modules of Region I total 384 storage locations and are designed to accommodate 1.7 reactor cores of high enrichment nuclear spent fuel.

The spent fuel rack design for Region I is based upon the commonly accepted physics principle of a "neutron flux trap" with the use of neutron absorber materials. The racks are designed to

store Millstone 14 x 14 fuel with an initial enrichment of 4.5 weight percent U-235. The poison material to be used is Boraflex.

Region II consists of 14 modules of non-poisoned spent fuel racks with nominal center-to-center cell spacing of 9.0 inches. The modules consist of 962 cells with useable capacity of 728 storage locations.

Region II is reserved for fuel that has sustained at least 85% of its design burn-up. The spent fuel rack design is based on the criticality acceptance criteria specified in Revision 2 of Regulatory Guide 1.13 which allows credit for reactivity depletion in spent fuel. (Previously, the physics criteria for fuel stored in the spent fuel pool were defined by the maximum unirradiated initial enrichment of the fuel). Fuel assemblies are stored in a three-out-of-four logic pattern. The fourth location of the storage configuration remains empty to provide the flux trap to maintain the required reactivity control. Blocking devices will be used to prevent inadvertent placing of a fuel assembly in the fourth location.

The spent fuel racks in both regions are fabricated from 304 stainless steel which is 0.135 inches thick. Each cell is formed by welding along the intersecting seams. This enables each spent fuel rack module to become a free-standing module that meets the seismic design requirements without mechanical dependence on neighboring modules or fuel pool walls for support. The rack modules are classified ANS Safety Class III and Seismic Category I.

Both regions of the spent fuel have been designed to store fuel assemblies in a safe, coolable, subcritical configuration with K_{eff} less than or equal to 0.95.

The racks have been designed and will be provided by Combustion Engineering, Inc. (CE). CE racks of this type have been most recently licensed by the NRC for use at Florida Power and Light Company's St. Lucie Plant and at Arizona Public Services Company's Palo Verde nuclear plants. *Basis for proposed no significant hazards consideration determination:* The technical evaluation of whether or not an increased spent fuel pool storage capacity involves significant hazards considerations is centered on three standards.

A. First Standard

Involve a significant increase in the probability or consequences of an accident previously evaluated.

The licensee's safety analysis of the proposed reracking has been accomplished using current NRC Staff

accepted Codes and Standards. The results of the safety analysis demonstrate that the proposal meets the specified acceptance criteria set forth in these standards. In addition, the licensee has reviewed NRC Staff Safety Evaluations (SEs) for prior spent fuel pool rerackings involving spent fuel pool rack replacements to ensure that there are no identified concerns not fully addressed. The licensee has identified no such concerns.

The licensee has identified the following potential accident scenarios: (1) Spent fuel cask drop; (2) loss of spent fuel pool forced cooling; (3) seismic event; (4) spent fuel assembly drop; (5) criticality accident; and (6) Load Handling Accident. The probability of the occurrence of any of the first four listed accidents is not affected by the racks themselves; thus, reracking cannot increase the probability of these accidents.

All potential events which could involve accidental criticality have been examined in the licensee's safety analysis. It was concluded that the bounding accident was dropping an unirradiated fuel assembly into a blocked fourth location in Region II. The probability of dropping a fuel assembly during fuel movement operations is not affected by the fuel storage racks.

The proposed Millstone Unit No. 2 spent fuel pool reracking will not involve an increase in probability of any previously evaluated load handling accident as accepted standards and procedures will be utilized as described in the licensee's safety analysis.

The consequences of the spent fuel cask drop accident have been evaluated as described in Sections 5.4 and 9.8 of the Millstone Unit No. 2 Final Safety Analysis Report (FSAR). By controlling the decay time for fuel stored within a specified distance from the cask set-down area to not less than 120 days prior to casks movement together with an administrative control specifying a minimum required boron concentration in the water of the spent fuel pool, the consequences of this accident type will remain well within 10 CFR Part 100 guidelines.

There is, however, an increase in the value of the 2-hour whole body dose at the site exclusion boundary for a postulated cask drop accident. The new racks increase the storage density of spent fuel within the distance L of the cask set-down area. This results in a calculated increase of the 2-hour whole body dose from 140 millirem to 240 millirem, an increase of 100 millirem. In review of this submittal, the licensee has recognized this increase and has designated it an unreviewed safety

question. The calculated dose is well within the guidelines specified by 10 CFR Part 100 and, as such, the consequences of this type of accident will not be significantly increased from previously evaluated events.

The consequences of the loss of spent fuel pool forced cooling accident have been evaluated and are described in the licensee's safety analysis. There is ample time to effect repairs of the cooling system or to establish makeup flow to the spent fuel pool. The consequences of this type accident will not be significantly increased from previously evaluated accidents by this proposed reracking.

The consequences of a seismic event have been evaluated against the appropriate NRC standards. The results of the seismic and structural analysis show that the proposed racks meet all of the NRC structural acceptance criteria and are consistent with results found acceptable by the NRC Staff in previous poison rerack SEs. Thus, the consequences of seismic events will not significantly increase from previously evaluated seismic events.

The consequences of a spent fuel assembly drop accident are described in Section 14.19 of the Millstone Unit No. 2 FSAR. A complete list of assumptions is provided in FSAR Table 14.19-1. Results of the analysis are well below the limits of 10 CFR Part 100 and are presented in Section 14.19.3. The consequences of this type accident will not be significantly increased from previously evaluated accidents by this proposed reracking.

The consequences of a criticality accident have been evaluated for all potential events which could involve accidental criticality. The bounding criticality accident was found to be the dropping of a fresh fuel assembly into a blocked fourth location in Region II. Administrative controls in the form of a Technical Specification of minimum boron concentration for the water of the spent fuel pool will preclude the bounding criticality accident; therefore, the consequences of this type accident will not be significantly increased from previous accident evaluations by this proposed reracking.

The consequences of a load handling accident have been evaluated. The work to be done in the spent fuel pool will be performed in accordance with accepted construction practices, standards, and procedures. The consequences of this type accident will not be significantly increased from previous accident evaluations by this proposed reracking. Therefore, it is shown that the proposed Millstone Unit No. 2 spent fuel rack

replacement will not involve a significant increase in the probability or consequences of an accident previously evaluated.

B. Second Standard

Create the possibility of a new or different kind of accident from any accident previously evaluated.

The licensee has evaluated the proposed rack replacement in accordance with the "NRC Position for Review and Acceptance of Spent Fuel Storage and Handling Applications," appropriate NRC Regulatory Guides, appropriate NRC Standard Review Plan sections, and appropriate industry Codes and Standards. In addition, the licensee has reviewed the NRC Safety Evaluation for the previous Millstone Unit No. 2 spent fuel rack replacement application and for other prior spent fuel pool rerackings.

The change to a two-region spent fuel pool creates the requirement to perform additional evaluations to ensure the criticality requirement is maintained. These include the evaluation of the limiting condition (dropping a fresh fuel assembly into a blocked fourth location in Region II). This evaluation shows that, when the boron concentration requirement is met per the proposed Technical Specifications, the criticality criterion is satisfied. Although this change does create the requirement to address additional aspects of a previously analyzed accident, it does not create the possibility of a previously unanalyzed accident.

C. Third Standard

Involve a significant reduction in a margin of safety.

The issue of "margin of safety," when applied to a spent fuel rack replacement, includes the following considerations:

- Nuclear criticality considerations.
- Thermal hydraulic considerations.
- Mechanical, material, and structural considerations.

The margin of safety that has been established for nuclear criticality is that the neutron multiplication factor (K_{eff}) in the spent fuel pool is to be less than or equal to 0.95, including all uncertainties, under all conditions. For the proposed modification, the criticality analysis is described in the licensee's safety analysis. The methods utilized in the analysis conform with ANSI N210-1976, "Design Objectives for LWR Spent Fuel Storage Facilities at Nuclear Power Stations"; ANSI N16.9-1975, "Validation of Computational Methods for Nuclear Criticality Safety"; the NRC guidance, "NRC Position for Review and Acceptance of Spent Fuel Storage and Handling Applications" (April 1978), as

modified (January 1976); and Regulatory Guide 1.13, "Spent Fuel Facility Design Basis," proposed Revision 2. The computer programs, data libraries, and benchmarking data used in the evaluation have been used in previous spent fuel rack replacement applications by other NRC licensees and have been reviewed and approved by the NRC. The results of the licensee's analysis indicate that K_{eff} is less than or equal to 0.95 under all postulated conditions, including uncertainties, at a 95/95 probability/confidence level. Thus, meeting the acceptance criteria for criticality, the proposed reracking does not involve a significant reduction in the margin of safety for nuclear criticality.

For thermal hydraulics, the relevant considerations for evaluating if there is a significant reduction in margin of safety are: (1) Maximum fuel temperature, and (2) the increase in temperature of the water in the pool. The licensee's thermal hydraulic evaluation shows that fuel cladding temperatures under abnormal conditions are sufficiently low to preclude structural failure and that boiling does not occur in the water channels between the fuel assemblies nor within the storage cells. However, the proposed rack replacement will result in an increase in the maximum heat load in the Millstone Unit No. 2 spent fuel pool. The licensee's safety analysis shows that the maximum temperature will not exceed the current margin of safety (150°F). For the maximum normal heat load case (full-core discharge at 150 hr. after shutdown, which fills the spent fuel pool to its capacity), the pool temperature will not exceed 150°F. Thus, there is no significant reduction in the margin of safety from a thermal hydraulic standpoint or from a spent fuel pool cooling standpoint.

The mechanical, material, and structural considerations of the proposed rack replacement are also analyzed in the licensee's safety analysis. The racks are designed in accordance with the applicable NRC Regulatory Guides, Standard Review Plan sections, and position papers, and appropriate industry Codes and Standards, as well as to Seismic Category I requirements. The materials utilized are compatible with the spent fuel pool and the spent fuel assemblies. The conclusion of the analysis is that the margin of safety is not significantly reduced by the proposed reracking.

Based on the above discussion, the staff proposes to determine that the proposed change does not involve a significant hazards consideration.

Local Public Document Room location: Waterford Public Library, 49

Rope Ferry Road, Waterford, Connecticut.

Attorney for licensee: Gerald Garfield, Esq., Day, Berry and Howard, One Constitution Plaza, Hartford, Connecticut 06103.

NRC Branch Chief: Edward J. Butcher, Acting.

Northern States Power Company,
Docket No. 50-263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of application of amendment: June 27, 1985.

Description of amendment request: The proposed amendment will change the Technical Specifications (TS) to incorporate the changes as a result of implementation of NUREG-0737, Item II.K.3.16 requirements. The changes are as follows:

- Change the Safety/Relief valve self-actuation setpoint specified in Section 2.4.B from 1108 psig to 1120 psig.
- In Table 3.2.7, increase the Low-Low Set Logic opening and closing setpoints for Reactor Coolant System Pressure by 12 psi.

Basis for proposed no significant hazards consideration determination: NUREG-0737, Item II.K.3.16 required BWR licensees and BWR operating license applicants to investigate the feasibility of a number of actions and modifications to reduce challenges to SRVs. At the time, the operating history of SRVs had been poor, resulting in a relatively high failure rate per challenge. The evaluation was performed by the BWR Owners Group (BWROG-8134). The staff reviewed the BRW Owners Group study and endorsed three specific modifications along with an effective preventative maintenance program. The changes requested by this amendment (increasing valve simmer margin) is one of the staff approved modifications. This change will increase the self-actuation and Low-Low Set Logic setpoints of the safety/relief valves by 12 psi. This increase is safety/relief valve simmer margin will increase valve reliability by reducing the probability of valve leakage and spurious opening during plant operation.

General Electric has performed the analysis supporting the 12 psi increase in safety/relief valve settings. The results are provided in GE report NEDO-30771, dated September 1984. The analysis concludes that the setpoint increase is clearly within all acceptance criteria established in the NRC staff guidance. The staff, therefore, proposes that the changes would not:

- (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or
- (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or
- (3) Involve a significant reduction in a margin of safety.

Therefore, based on the reasons as described above, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Environment Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Omaha Public Power District, Docket No. 50-285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: July 11, 1985.

Description of amendment request: The proposed amendment would revise the surveillance capsule removal schedule technical specifications, change the titles of senior management officials in the technical specifications, and delete environmental qualification of electrical equipment administrative requirements (deadline and central records location) from the technical specifications.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). One of the examples, (i), of actions not likely to involve a significant hazards consideration relates to a purely administrative change to the Technical Specifications such as a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature. The changing of the titles of senior management officials comes under this example because only the titles are changing and not personnel or functions. Another one of the examples, (vii), of actions not likely to involve a significant hazards consideration relates to a change which would make a license conform to changes in the regulations, where the change results in very minor changes clearly in keeping with the regulations. The deletion of environmental qualification (EQ) of electrical equipment administrative requirements from the technical

specifications comes under this example because the EQ rule (10 CFR 50.49) now addresses the administrative requirements.

Regarding the revision of the capsule removal schedule, the licensee has made a significant hazards consideration determination pursuant to 10 CFR 50.92. The licensee has stated that (1) the proposed change will not result in an increase in the probability or consequence of a previously evaluated accident, but instead will provide better information on the fluence to the inside surface of the reactor vessel; (2) the proposed capsule surveillance schedule will not create the possibility of a new or different kind of accident from any previously evaluated accident because the capsule assemblies have not changed, only their sequence of removal; and (3) there is no change in any margin of safety involved in this Technical Specification change.

Based upon the above discussion, the staff proposes to determine that the proposed changes do not involve significant hazards considerations.

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102.

Attorney for licensee: LeBoeuf, Lamb, Leiby, and MacRae, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

NRC Branch Chief: Edward J. Butcher, Acting.

Pennsylvania Power & Light Company, Docket No. 50-387, Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Date of amendment request: August 6, 1985.

Description of amendment request: The requested amendment would change the Technical Specifications for Susquehanna SES, Unit 1 to correspond with certain proposed design changes to the nitrogen makeup system.

In Licensee Event Report No. 83-114, dated September 13, 1983, PP&L noticed the NRC staff of the discovery of a postulated single failure event in the Division II Primary Containment Isolation System (PCIS) logic that could have resulted in the failure to isolate the nitrogen supply line. The PCIS Division II relay provides a closure signal to the outboard isolation valve of the drywell nitrogen supply system and the inboard isolation valve of the containment atmosphere control sample system. The drywell nitrogen supply line taps into the containment atmosphere sample line between the inboard valve and the outboard valve. With the nitrogen makeup system in service, coincident

with a loss of coolant accident (LOCA), the PCIS Division II relay could fail in such a manner as to maintain the outboard isolation valve of the drywell nitrogen supply system and the inboard isolation valve of the containment atmosphere control sample system in the open position. This configuration could create a direct path from the primary containment to the outside environment given the postulated single failure concurrent with a LOCA. A similar scenario can be postulated for the isolation valve in the suppression chamber nitrogen supply system and the inboard isolation valve for the containment atmosphere return line.

The design changes to correct this deficiency will consist of rerouting the drywell and wetwell makeup lines to spare penetrations and installing divisionalized isolation valves. The inboard valves will have Division I power and logic, and the outboard valves will be with Division II.

The licensee has proposed changes to Table 3.6.3-1 to ensure that the Technical Specifications properly reflect the installation of the modifications to the nitrogen makeup system. Those changes include the addition of two new isolation valves, SV-15738 and SV-15789. Two valves currently listed under the Containment Atmosphere Sample category, SV-15737 and SV-15767, are proposed to be deleted and moved to the newly formed category "Nitrogen Makeup", since in the new configuration, they will no longer be in the atmosphere sampling lines. The isolation signals for this new category are "B", Reactor Vessel Water Level—Low, Low Level 2; "Y", Drywell Pressure—High; and "R", SGTS Exhaust Radiation—High.

Valves SV-15736B and SV-15776B will now be dedicated to the sampling lines. Therefore the "R" isolation signal, SGTS Exhaust Radiation—High, is no longer applicable and is being deleted from the Technical Specifications for these valves.

Basis for Proposed No Significant Safety Hazards Consideration Determination

The licensee has stated that:
I. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated. The addition of the nitrogen makeup line is compatible with the FSAR design requirements. The proposed action does not increase the probability of an occurrence or consequence of an accident or malfunction of equipment related to safety. All engineering has

been performed in accordance with plant design criteria to assure the required installation will not impact safety-related systems. The results of the most recent integrated leak rate test will be adjusted based on local leak rate testing of the new nitrogen makeup system configuration, when it is installed. Bypass leakage effects discussed in FSAR Subsections 6.2.3 and 6.2.1.1.5 remain unchanged by this proposed action.

II. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated. Design of the proposed new penetrations, isolation valves and isolation circuitry is in accordance with the existing design basis of the plant.

III. The proposed change does not result in a significant reduction in a margin of safety. This change will increase the safety margin of the plant by ensuring that a single failure in the nitrogen makeup system isolation logic will not allow an uncontrolled release of radiation to the environment following a design basis accident. As stated in II above, the design change will be in accordance with the existing design basis.

The NRC staff agrees with the licensee's evaluation in this regard and proposes to find the proposed change to not involve a significant hazards consideration based on the licensee's ability to meet the three criteria described above.

Identical modifications have already been made for SSES Unit 2, with the corresponding Technical Specifications revised via Amendment 2 to License NPF-22, dated October 9, 1984.

Local Public Document Room
Location: Osterhout Free Library,
Reference Department, 71 South
Franklin Street, Wilkes-Barre,
Pennsylvania 18701.

Attorney for Licensee: Jay Silberg,
Esquire, Shaw, Pittman, Potts and
Trowbridge, 1800 M Street NW.,
Washington, D.C. 20036.

NRC Branch Chief: Walter R. Butler.

Portland General Electric Company, et
al., Docket No. 50-344, Trojan Nuclear
Plant, Columbia County, Oregon

Date of amendment request: April 19,
1985.

Brief description of amendment: The application requests modifications to the Technical Specifications to: (1) Revise the definition of Operability to provide the additional guidance that only items necessary for a system to perform its safety-related function are necessary to demonstrate operability, and revise the title to Definition 1.4 to include the word

MODE; (2) revise the Action statement associated with the structural integrity of the RCS to define what must be done when the structural integrity of a Class 1 or 2 component is discovered to be questionable when the plant is already over the temperature limits given in the Technical Specifications, and place restrictions on the time allowed for evaluation and temporary repair; and (3) revise the surveillance requirements of the Control Room Emergency Ventilation System (CREVS) to require that testing done to verify that the CREVS can maintain design control room temperatures only be performed once a year rather than every 31 days.

Basis for proposed on significant hazards consideration determination: The licensee has provided a discussion of the proposed amendment with respect to the issue of no significant hazards consideration which is presented below for each issue.

1. Definition of Operable—Operability.

This revision clarifies the definition by stating that non-safety-related portions of systems are not necessary to declare a safety-related system OPERABLE. The definition continues to require that all safety-related systems, subsystems, trains, components, or devices will be able to perform their safety-related function in order to be declared OPERABLE. Therefore, this revision does not impose a significant hazard consideration.

The staff has reviewed this discussion presented by the licensee and agrees that the proposed amendment is meant to clarify without degrading the definition of operability. The licensee has also proposed to add the word MODE to the title of Definition 1.4. The Commission has provided guidance to the NRC staff for a proposed no significant hazards consideration determination by providing examples of amendments that are not likely to involve a significant hazards consideration. One example is (i), a purely administrative change to technical specifications. The licensee's proposed change to the definition of operability, which is a clarification of the definition, and the revision to Definition 1.4's title fall under the domain of this example and therefore do not involve a significant hazards consideration.

2. Structural Integrity.

The present wording for ACTION Statement d does not specify a time limit for the evaluation or repair allowed by the ACTION statement. The statement has been revised to specify that the evaluation must be completed within 72 hours and repairs within the following 36 hours. The 72- and 36-hour limits are not based upon a specific accident analysis but upon a compromise between the

time needed to perform the work and the need to ensure that the plant is not operated for an extended period with potentially degraded structural integrity. Since the revision prevents extended operation with potentially degraded structural integrity, a significant hazard consideration is not deemed to exist for this change.

The staff has reviewed the licensee's determination of no significant hazards consideration for this change to the Technical Specification and proposes to agree with that determination.

The proposed change is meant to clarify what must be done when the structural integrity of a Class 1 or 2 component is discovered to be questionable when the plant is already above the temperature limits given in the Technical Specification Action statements. This change is encompassed by example (i), as discussed above, of actions not likely to involve significant hazards considerations. Additionally, the licensee has proposed constraints on the time allowed for evaluation and repair of degraded components. This falls under example (ii) of actions not likely to involve a significant hazards consideration; that is, a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications.

3. Control Room Emergency Ventilation System (CREVS).

Surveillance Requirement 4.7.6.1.a presently requires a test of each train of the control room emergency ventilation system every 31 days. This test performs two major functions:

- Maintains the charcoal absorbers in a dry condition to ensure that they will be able to fulfill their design function, and
- Verifies that the service water coolers can perform their function of maintaining the control room temperature within design requirements.

The revised Surveillance Requirement 4.7.6.1.a will perform testing to meet Item a above every 31 days as is presently done. However, Item b above will now be performed annually per Surveillance Requirement 4.7.6.1.b instead of the present interval of 31 days. This increased surveillance interval is considered acceptable based on the following:

- The emergency ventilation system has never failed to maintain temperature within design conditions during all testing performed to date, and
- Modes of possible failure of the service water coolers, such as fouling, do not occur rapidly enough to justify testing on a monthly basis. Annual testing is considered adequate to detect any decrease in the capacity of the service water coolers.

Based upon the above, a significant hazard consideration is not deemed to exist.

The staff has reviewed this discussion presented by the licensee. It appears

that operation of the facility in accordance with the proposed changes would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated because testing will still be performed to demonstrate the capability of the CREVS to maintain the control room design basis temperature. The testing will be performed on a less frequent basis, but this should not impact the probability or consequences of an accident; or (2) create the possibility of a new or different kind of accident because a safety limit or limiting condition for operation has not been modified; or (3) involve a significant reduction in a margin of safety because annual testing appears adequate to detect any changes in the capacity of the service water coolers, and this test frequency is consistent with the rate at which degradation may occur.

Based on the foregoing, the NRC staff proposes to determine that the proposed amendment does not involve a significant hazards consideration.

Local Public Document Room
location: Multnomah County Library,
801 SW 10th Avenue, Portland, Oregon.

Attorney for licensee: J. W. Durham,
Senior Vice President, Portland General
Electric Company, 121 SW Salmon
Street, Portland, Oregon 97204.

NRC Branch Chief: Edward J. Butcher,
Acting.

Sacramento Municipal Utility District,
Docket No. 50-312, Rancho Seco
Nuclear Generating Station, Sacramento
County, California

Date of amendment request: June 6,
1983, as supplemented June 29, 1983,
April 3, 1984, July 11, 1984, November 28,
1984, February 8, 1985, and April 3, 1985.

Description of amendment request:
The proposed amendment would revise
the Technical Specifications (TSs) to:

1. Change the requirement for calibration of the nuclear instrumentation power range amplifier from whenever indicated neutron power and core thermal power differ by more than 2% to whenever the Nuclear Instrumentation indication is 10% above the core thermal power or 2% below thermal power.

2. Increase the frequency of performing a heat balance check from daily to once per shift.

3. Delete the present requirement for daily calibration during non-steady-state operation.

Basis for proposed no significant hazards consideration determination:
The Commission has provided standards for determining whether a significant hazards consideration exists

(10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee states that the calibration change (item 1) is needed because power range nuclear instruments (NI) that are within calibration limits at or near full power will read high (with respect to thermal power) at reduced power levels (a conservative error). However, if the NI are brought within calibration limits at reduced power, they will then read low (a non-conservative error) when the reactor returns to full power. This condition will then exist until the next calibration. To remove this temporary non-conservative condition, the licensee proposed a change that will require calibration of the power range nuclear instruments when the heat balance exceeds neutron indicated power by 2%.

With regard to item 2, the licensee noted that power imbalance and control rod insertion limits become more restrictive as power level increases. Therefore, neutron channels which are high impose stricter and more conservative limits on reactor operation. However, for human factors consideration related to unbounded out-of-calibration conditions, the licensee proposed an upper limit to 10% for nuclear indicated power exceeding heat balance.

With regard to item 3, the licensee states that the proposed TS changes would make the requirements for daily calibration of the power range neutron instrumentation during non-steady-state operation unnecessary. The reasons are that the proposed new Specification would require a heat balance check (comparison of indicated neutron power and core thermal power) at least once a shift and calibration whenever the nuclear instrumentation indication was 2% below thermal power or 10% above core thermal power. Since these requirements address any calibrations needed during steady-state or non-steady-state conditions more frequently than the present requirements, the present requirement can be deleted.

Since the proposed TS changes would (a) remove a calibration when performed at lower than full power level which results in a non-conservative condition at full power, (b) provide an

upper bound limit for human factors consideration, and (c) delete a calibration that has been replaced by a more frequent calibration, the Commission's staff concludes that the proposed change would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Therefore, the staff proposes to determine that the proposed amendment does not involve a significant hazards consideration.

Local Public Document Room
location: Sacramento City-County
Library, 828 I Street, Sacramento,
California.

Attorney for licensee: David S.
Kaplan, Sacramento Municipal Utility
District, 6201 S Street, P.O. Box 15830,
Sacramento, California 95813.

NRC Branch Chief: John R. Stolz.

Southern California Edison Company, et al.,
Docket Nos. 50-361 and 50-362; San
Onofre Nuclear Generating Station,
Units 2 and 3, San Diego County,
California

Date of Amendment Request: May 9,
1985 (Reference PCN-184).

Description of Amendment Request:
The proposed change would revise
Technical Specification (T.S.) 4.10.1,
"Special Test Exceptions—Shutdown
Margin." T.S. 3.10.1 allows the shutdown
margin to be reduced to less than the
normal operating shutdown margin
requirements during the performance of
low power physics tests, provided that
certain conditions are met. As one of
these conditions, Surveillance
Requirement 4.10.1.2 requires that all
control element assemblies (CEA's) not
fully inserted in the core be
demonstrated to be capable of full
insertion when tripped from at least the
50% withdrawn position within 24 hours
prior to reducing shutdown margin to
less than the normal operating
requirements. The proposed change will
allow this surveillance to be performed
within seven days prior to the tests
instead of within 24 hours prior to the
tests. This will enable low power
physics testing to be completed without
an additional trip to verify CEA
insertability.

Low power physics tests are
performed to verify core physics
predictions. One of the test sequences
measures CEA worths and may involve
the reduction of shutdown margin as
permitted by T.S. 3.10.1. Prior to initial
criticality for performance of the low
power physics tests, rod drop testing is

performed to demonstrate CEA insertability. The reactor is brought critical and stabilized at the test plateau (approximately $10^{-3}\%$ power). The preferred sequence for low power physics testing has CEA worth measurements made last. Since approximately five days would have elapsed from when the hot rod drop tests were last performed, the reactor would have to be tripped again to demonstrate CEA insertion capability and satisfy the current 24 hour criteria. The proposed change would eliminate the necessity for an additional trip during low power physics testing by requiring CEA insertability to be verified within seven days prior to reducing shutdown margin instead of within 24 hours.

Basis for Proposed No Significant Hazards Consideration Determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870) of amendments that are considered not likely to involve significant hazards considerations. Example (vi) relates to a change which either may result in some increase to the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan (SRP). For example a change resulting from the application of a small refinement of a previously used calculational model or design method.

In this case, SRP Section 14.2, "Initial Test Program" and SRP Sections 15.1.1, 15.1.2, 15.1.3, 15.1.4 and 15.1.5 which relate to Reactor Coolant System (RCS) overcooling events provide the pertinent acceptance criteria. SRP Section 14.2 refers to Regulatory Guide (R.G.) 1.68, "Initial Test Programs for Water Cooled Nuclear Power Plants." R.G. 1.68 outlines the elements of an acceptable startup test program including requirements for CEA worth measurements during low power physics testing. The proposed change will facilitate CEA worth measurements and is consistent with R.G. 1.68 and SRP Section 14.2.

The proposed change does not affect the consequences of RCS overcooling events evaluated in accordance with SRP Section 15.1.1 through 15.1.5. Because of a negative moderator temperature coefficient, RCS overcooling results in a reactivity increase. Because of this, a post trip

return to power may be experienced in overcooling events if insufficient negative reactivity is inserted via the CEA's. Since shutdown margin is reduced during CEA worth measurements, T.S. 4.10.1.2 provides added assurance that all CEA's are trippable. By increasing the period during which shutdown margin may be reduced following performance of surveillance requirement 4.10.1.2, the proposed change may result in an insignificant reduction in the assurance provided. The resultant increase in the probability of a stuck CEA coincident with an overcooling event has been calculated by the licensee to be 1.8×10^{-7} . The proposed change has no effect on the consequences of overcooling events since it does not affect the amount by which shutdown margin may be reduced. Because the consequence of these events are not increased, the SRP acceptance criteria continue to be satisfied. Based on these considerations, the NRC staff proposes to determine that the proposed change does not involve a significant hazards consideration.

Local Public Document Room
Location: San Clemente Library, 242 Avenida Del Mar, San Clemente, California 92672.

Attorney for licensee: Charles R. Kocher, Esq., Southern California Edison Company, 2244 Walnut Grove Avenue, P.O. Box 800, Rosemead, California 91770 and Orrick, Herrington & Sutcliffe, Attn.: David R. Pigott, Esq., 600 Montgomery Street, San Francisco, California 94111.

NRC Branch Chief: George W. Knighton.

Union Electric Company, Docket No. 50-483, Callaway Plant, Unit No. 1, Callaway County, Missouri

Date of amendment request: July 17, 1984, as supplemented by letter dated October 3, 1984.

Description of amendment request: The proposed amendment would revise Technical Specification 4.6.1.2 and its associated bases regarding containment leakage surveillance requirements to provide clarifications on the leak rate testing of valves pressurized with fluid from a seal system. The clarifications are provided by the incorporation of Standard Technical Specifications 4.6.1.2.d.3) and 4.6.1.2.g (NUREG-0452, Revision 4) into Callaway Specifications 4.6.1.2.d.3) and 4.6.1.2.h and by an addition to bases 3/4.6.1.2 to include Callaway Plant specific requirements that are consistent with 10 CFR Part 50, Appendix J, Paragraph III.C.3.

Basis for Proposed No Significant Hazards Consideration Determination:

The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). This amendment request is similar to the example of an action involving no significant hazards consideration which relates to a change to make the license conform to regulations, where the license amendment results in changes to facility operations clearly in keeping with the regulations.

Local Public Document Room
locations: Fulton City Library, 709 Market Street, Fulton, Missouri 65251 and the Olin Library of Washington University, Skinker and Lindell Boulevards, St. Louis, Missouri 63130.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: B. J. Youngblood.

Yankee Atomic Electric Company, Docket No. 50-29, Yankee Nuclear Power Station, Franklin County, Massachusetts

Date of amendment request: July 19, 1983, as modified April 13, 1984 and August 16, 1984 and supplemented April 5, 1985.

Description of amendment request: The original proposed change to the Technical Specifications (TS) was noticed in the *Federal Register* February 24, 1984 (49 FR 7051). The supplemented proposed change modified some portions of the original proposed change as well as adding new proposed changes to the TS. The following items have been modified from the original proposed changes: (1) The licensee withdrew the request to allow the inner door lock to remain open when containment is occupied, and (2) withdrew the request to delete or add valves related to the low pressure surge tank, the secondary systems isolation valves, the component cooling safety valve discharge, and the purification pump connection.

The supplement to the proposed change would revise the TS to (1) add a torque testing requirement for all threaded pipe caps or threaded plugs used to provide containment integrity, (2) administratively delete containment isolation valves that were either physically removed from systems or repiped such that the valves are no longer required for containment isolation, (3) administratively add valves and blank flanges that, due to redesignation, reconfiguration of piping, addition of valves not previously identified in TS, or installation of new valves, which are required for

containment isolation, (4) add valves, with notations to allow operation of certain valves to allow for surveillance testing, operation of component cooling water, and for sampling of containment atmosphere during postulated accident conditions, and (5) add new categories of containment isolation valves, in addition to the categories contained in the original proposed change, for Safety and Secondary Isolation Valves.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards by providing certain examples (April 6, 1983, 48 FR 14870) of amendments not likely to involve significant hazards consideration. Example (ii) involves a change that constitutes an additional limitation, restriction, or control not presently included in the TS.

Revision to the TS items (1) and (3) above are encompassed by this example. Item (1) adds a torque requirement for the pipe caps and threaded plugs that were proposed to be added to the TS in the original TS change request. The torque test requirement does not currently exist in the TS for these fittings. Item (3) proposes to add valves and blank flanges to the TS listing of containment valves that require testing in accordance with Appendix J to 10 CFR Part 50. These valves and blank flanges are part of plant modifications that removed the low pressure surge tank (LPST), connections to the purification pumps and the outside air particulate monitor (OAPM) from the containment boundary. The listing of the added valves and blank flanges is now provided for the new containment isolation valves that replaced valves removed or redesignated during the LPST, the purification pumps, and the OAPM modifications. Additionally, item (3) proposes to add valves and taps that were installed to allow connection of the hydrogen recombiner.

The staff has reviewed Items (2), (4), and (5) of the licensee's submittal in accordance with the standards of 10 CFR 50.92 and has determined that should these revisions be implemented, they would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin to safety. The basis for this determination follows:

Various containment isolation valves and check valves associated with the LPST, purification pump, and OAPM have been replaced as containment

barriers by the modifications discussed in item (3). Item (2) proposes to administratively remove the replaced boundaries from the TS. Item (4) proposes to add notation to (a) allow the OAPM isolation valves to be opened to allow sampling of containment air, (b) allow operation of normally open component cooling water (CCW) isolation valves under administrative controls to provide for isolation when CCW is determined to be involved in an accident, and (c) allow for surveillance of the hydrogen recombiner inlet taps under the in-service inspection program.

The original request also proposed the reorganization of the containment isolation valve listing into nine new categories. Revision to the TS item (5) above proposes to add the following additional categories to Table 3.6-1:

F. Safety Valves (Subject to Type C testing)

G.1 Secondary Automatic Isolation (not subject to Appendix J)

G.2 Secondary Manual Isolation (not subject to Appendix J)

G.3 Secondary Remote Manual Isolation (not subject to Appendix J)

G.4 Secondary Safety Valves (not subject to Appendix J)

These additional categories were proposed to (a) provide for containment isolation barriers in lines that were modified in conjunction with the removal of the LPST as part of the containment boundary, and (b) provide a listing of main steam and feedwater systems isolation valves in the TS. One additional valve is being reclassified from the original proposed change as requiring type C testing. These changes to the original proposed change reflect the hardware modifications approved by the NRC to remove the LPST from the containment boundary, and provides a listing of the closed system isolation valves that are required by General Design Criterion 57.

Based on the above discussions, the staff proposes to conclude that none of the requested actions would involve a significant hazards consideration.

Local Public Document Room location: Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301.

Attorney for licensee: Thomas Dignan, Esquire, Ropes and Gray, 225 Franklin Street, Boston, Massachusetts 02110.

NRC Branch Chief: John A. Zwolinski.

Yankee Atomic Electric Company,
Docket No. 50-29, Yankee Nuclear
Power Station, Franklin County,
Massachusetts

Date of amendment request: June 26, 1985.

Description of amendment request:

The proposed change would modify the surveillance interval requirements for Low and High Pressure Safety Injection Flow Tests, and for the Hot Leg Injection Flow Test, in the Technical Specification (TS). Additionally, the proposed change would renumber TS consistent with changes proposed to modify these surveillance intervals, and would correct a spelling error in the TS.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (April 6, 1983, 48 FR 14870). Example (i) of actions not likely to involve a significant hazards consideration determination involves a purely administrative change to the TS; for example, a change to achieve consistency throughout the TS, correction of an error, or a change in nomenclature. The proposed correction of a spelling error, and the proposed renumbering of the TS are consistent with this example.

The amendment request also proposes to change the Low Pressure Safety Injection Flow Tests from an 18 month surveillance interval, and the High Pressure Safety Injection and Hot Leg Injection Flow Test surveillance interval from 36 months, to an interval that requires these flow tests after completion of modification to ECCS subsystems that alter the subsystem flow characteristics. This proposed modification would make these flow test intervals for ECCS systems consistent with the Westinghouse Standard TS. The proposed change would, therefore, (1) not involve any significant increase in the probability or consequences of an accident previously evaluated; (2) not create the possibility of a new or different kind of accident from any accident previously evaluated; and (3) not involve a significant reduction in a margin of safety.

On these basis, the staff proposes to determine that the requested action would not involve a significant hazards consideration.

Local Public Document Room location: Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301.

Attorney for licensee: Thomas Dignan, Esquire, Ropes and Gray, 225 Franklin Street, Boston, Massachusetts 02110.

NRC Branch Chief: John A. Zwolinski.

PREVIOUSLY PUBLISHED NOTICES OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO OPERATING LICENSES AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices because time did not allow the Commission to wait for this bi-weekly notice. They are repeated here because the bi-weekly notice lists all amendments proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Indiana and Michigan Electric Company, Docket No. 50-315, Donald C. Cook Plant, Unit No. 1, Berrien County, Michigan

Date of amendment request: July 30, 1985.

Brief description of amendment: Revise the Technical Specifications to reflect revised setpoints in the channels for overpressure delta T, overtemperature delta T, and loss of flow trips and the reactor coolant temperature to protect against departure from nucleate boiling (DNB).

Date of publication of individual notice in Federal Register: August 2, 1985 (50 FR 31447).

Expiration date of individual notice: August 16, 1985, 4:30 p.m.

Local Public Document Room location: Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE

During the period since publication of the last bi-weekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant

Hazards Consideration Determination and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluations and/or Environmental Assessments as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Baltimore Gas & Electric Company, Docket Nos. 50-317 and 50-318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of application for amendments: January 31, 1985.

Brief description of amendments: The amendments changed the Unit 1 and Unit 2 Technical Specifications (TS) to reflect clarification and increased flexibility for determination of reactor coolant system leakage as specified in TS 3/4.4.6.1, "Leakage Detection Systems" and TS 3/4.4.6.2, "Reactor Coolant System Leakage."

Date of issuance: August 26, 1985.

Effective date: August 26, 1985.

Amendment Nos.: 107 and 88.

Facility Operating License Nos. DPR-53 and DPR-69. Amendments revised the Technical Specifications.

Date of initial notice in Federal Register: April 23, 1985 (50 FR 15997 at 15998).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 26, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland.

Baltimore Gas & Electric Company, Docket No. 50-318, Calvert Cliffs Nuclear Power Plant, Unit No. 2, Calvert County, Maryland

Date of applications for amendments: February 26 and April 10, 1985.

Brief description of amendment: The amendment changes the Unit 2 Technical Specifications (TS) to reflect (1) analyses performed in support of Unit 1 Cycle 8 operation which is also applicable to Unit 2 which would allow more flexible limits for high pressure safety injection system flow, and (2) an increase from 24 hours to 7 days for the time period within which a scram test must be performed prior to reducing the shutdown margin below specified limits.

Date of issuance: August 30, 1985.

Effective date: August 30, 1985.

Amendment No.: 89.

Facility Operating License No. DPR-69. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: June 19, 1985 (50 FR 25480 at 25481).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 30, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland.

Carolina Power and Light Company, Docket No. 50-261, H.B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Date of application for amendment: April 30, 1985.

Brief description of amendment: The amendment revises Technical Specifications Table 3.5-1 Items 6.a and 6.b to increase the voltage setpoint tolerances for loss of voltage and degraded grid voltage relays and increase the loss of voltage relay trip time. This completes our review of this item (TAC No. 57738).

Date of issuance: August 26, 1985.

Effective date: August 26, 1985.

Amendment No.: 93.

Facility Operating License No. DPR-74. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: June 19, 1985 (50 FR 25484).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 26, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room
location: Hartsville Memorial Library,
Home and Fifth Avenues, Hartsville,
South Carolina 29535.

Commonwealth Edison Company,
Docket Nos. 50-295 and 50-304, Zion
Nuclear Power Station, Unit Nos. 1 and
2, Benton County, Illinois

Date of application for amendments:
January 30, 1985; supplemented July 8,
1985.

Brief description of amendments:
These amendments would: (a) Permit
full pressure testing of the containment
in accordance with 10 CFR Part 50,
Appendix J as requested by NRC-Region
III; (b) add containment air lock testing;
(c) reduce the number of tendons to be
included in surveillance requirements in
accordance with Regulatory Guide 1.35,
Revision 2; and (d) remove obsolete
containment liner surveillance
requirements.

Date of issuance: August 27, 1985.

Effective date: August 27, 1985.

Amendment Nos.: 90 and 80.

Facility Operating License Nos. DPR-
39 and DPR-48. Amendments revised
the Technical Specifications.

Date of initial notice in Federal
Register: April 23, 1985 (50 FR 16001).

The Commission's related evaluation
of the amendments is contained in a
Safety Evaluation dated August 27, 1985.

No significant hazards consideration
comments received: No.

Local Public Document Room
location: Zion Benton Library District,
2600 Emmaus Avenue, Zion, Illinois
60099.

Consumers Power Company, Docket No.
50-155, Big Rock Point Plant, Charlevoix
County, Michigan

Date of application for amendment:
January 7, 1985 as revised March 14,
1985 which supersede previous requests
dated June 4, 1976 and November 13,
1978.

Brief description of amendment: The
amendment changes the Technical
Specifications and Bases to incorporate
Radiological Effluent Technical
Specifications (RETS) which meet the
requirements of Appendix I to 10 CFR
Part 50. The amendment also includes
administrative changes which relocate
and reformat related Technical
Specifications which are not part of the
RETS, but were necessary in order to
incorporate the RETS into the existing
Technical Specifications.

Date of issuance: August 26, 1985.

Effective date: August 26, 1985.

Amendment No. 77.

Facility Operating License No. DPR-
6. This amendment revised the
Technical Specifications.

Date of initial notice in Federal
Register: June 4, 1985 (50 FR 23546).

The Commission's related evaluation
of the amendment is contained in a
Safety Evaluation dated August 26, 1985.

No significant hazards consideration
comments received: No.

Local Public Document Room
location: North Central Michigan
College, 1515 Howard Street, Petoskey,
Michigan 49770.

Consumers Power Company, Docket No.
50-255, Palisades Plant, Van Buren
County, Michigan

Date of application for amendment:
June 13, 1984.

Brief description of amendment: The
amendment issues changes to the
technical specifications to (1) add
limiting conditions for operation to
require the containment purge and
ventilation isolation valves to be
electrically locked closed whenever the
reactor is in a Hot Shutdown, Hot
Standby, or Power Operation condition,
and (2) add surveillance requirements to
periodically check that these valves are
closed and to periodically perform leak
rate tests of the valves.

Date of issuance: August 26, 1985.

Effective date: August 26, 1985.

Amendment No. 90.

Provisional Operating License No.
DPR-20. The amendment revised the
Technical Specifications.

Date of initial notice in Federal
Register: August 22, 1984 (49 FR 33362).

The Commission's related evaluation
of the amendment is contained in a
Safety Evaluation dated August 26, 1985.

No significant hazards consideration
comments received: No.

Local Public Document Room
location: Van Zoeren Library, Hope
College, Holland, Michigan 49423.

Consumers Power Company, Docket No.
50-255, Palisades Plant, Van Buren
County, Michigan

Date of application for amendment:
June 15, 1985.

Brief description of amendment: The
amendment changes the Technical
Specifications to provide new, more
restrictive pressure-temperature limits
for heat-up, cooldown and hydrostatic
test to account for the effects of
irradiation of the reactor vessel
materials for 6.6 effective full power
years of operation.

Date of issuance: August 21, 1985.

Effective date: August 21, 1985.

Amendment No. 89.

Provisional Operating License No.
DPR-20. The amendment revised the
Technical Specifications.

Date of initial notice in Federal
Register: July 3, 1985 (50 FR 27504).

The Commission's related evaluation
of the amendment is contained in a
Safety Evaluation dated August 21, 1985.
No significant hazards consideration
comments received: No.

Local Public Document Room
location: Van Zoeren Library, Hope
College, Holland, Michigan 49423.

Georgia Power Company, Oglethorpe
Power Corporation, Municipal Electric
Authority of Georgia, City of Dalton,
Georgia, Dockets Nos. 50-321 and 50-
366, Edwin I. Hatch Nuclear Plant, Units
Nos 1 and 2, Appling County, Georgia

Date of amendment request: February
15, 1985.

Brief description of amendment: The
amendments revise the Technical
Specifications to eliminate provisions
that allow bypass of the high drywell
pressure scram signal for the purpose of
containment inerting and de-inerting.

Date of issuance: August 27, 1985.

Effective date: August 27, 1985.

Amendment No. 113 and 53.

Facility Operating Licenses Nos.
DPR-57 and NPF-5. Amendments
revised the Technical Specifications.

Date of initial notice in Federal
Register: April 23, 1985 (50 FR 16004).

The Commission's related evaluation
of the amendments is contained in a
Safety Evaluation dated August 27, 1985.

No significant hazards consideration
comments received: No.

Local Public Document Room
location: Appling County Public
Library, 301 City Hall Drive, Baxley,
Georgia.

Georgia Power Company, Oglethorpe
Power Corporation, Municipal Electric
Authority of Georgia, City of Dalton,
Georgia, Docket No. 50-366, Edwin I.
Hatch Nuclear Plant, Unit No. 2, Appling
County, Georgia

Date of amendment request: March 19,
1985.

Brief description of amendment: The
amendment revises the Technical
Specifications to provide operating and
surveillance requirements for automatic
depressurization system bypass timers.

Date of issuance: August 27, 1985.

Effective date: August 27, 1985.

Amendment No. 52.

Facility Operating License No. NPF-5.
Amendment revised the Technical
Specifications.

Date of initial notice in Federal
Register: May 21, 1985 (50 FR 20980).

The Commission's related evaluation
of the amendment is contained in a
Safety Evaluation dated August 27, 1985.

No significant hazards consideration
comments received: No.

Local Public Document Room
location: Appling County Public Library,
301 City Hall Drive, Baxley, Georgia.

Indiana and Michigan Electric Company,
Docket Nos. 50-315 and 50-316, Donald
C. Cook Nuclear Plant, Unit Nos. 1 and
2, Berrien County, Michigan

Date of application for amendments:
March 29, 1985.

Brief description of amendments:
These amendments revise the Technical
Specifications for the reactor trip system
instrumentation and the engineered
safety feature actuation system
instrumentation. Of four groups of
changes, the first provides criteria for
when a channel needs to be adjusted
following a heat balance, suspends the
requirements for immediate shutdown
when all trains of some instrumentation
are inoperable, and changes the action
statement when operable instrument
channels are one less than the total
number of available channels. The
second group extends the period of time
from one hour to two hours in which one
channel of the reactor solid state
protection system can be bypassed for
surveillance testing. The last two groups
are editorial in nature.

Date of issuance: August 26, 1985.

Effective date: August 26, 1985.

Amendment Nos.: 90 and 75.

Facilities Operating License Nos.
DPR-58 and DPR-74. Amendments
revised the Technical Specifications.

Date of initial notice in Federal
Register: May 21, 1985 (50 FR 20982).

The Commission's related evaluation
of the amendment is contained in a
Safety Evaluation dated August 26, 1985.

No significant hazards consideration
comments received: No.

Local Public Document Room
location: Maude Reston Palenske
Memorial Library, 500 Market Street, St.
Joseph, Michigan 49085.

Indiana and Michigan Electric Company,
Docket Nos. 50-315 and 50-316, Donald
C. Cook Nuclear Plant, Unit Nos. 1 and
2, Berrien County, Michigan

Date of application for amendments:
May 31, 1985, as supplemented June 7,
1985.

Brief description of amendments: The
amendments revise the Technical
Specifications by deleting the program
and records retention requirements
pertaining to environmental
qualification of equipment.

Date of issuance: August 19, 1985.

Effective date: Within 30 days of date
of issuance.

Amendment Nos.: 89 and 74.

Facilities Operating License Nos.
DPR-58 and DPR-74. Amendments
revised the Technical Specifications.

Date of initial notice in Federal
Register: July 17, 1985 (50 FR 29010).

The Commission's related evaluation
of the amendment is contained in a
Safety Evaluation dated August 19, 1985.

No significant hazards consideration
comments received: No.

Local Public Document Room
location: Maude Reston Palenske
Memorial Library, 500 Market Street, St.
Joseph, Michigan 49085.

Maine Yankee Atomic Power Company,
Docket No. 50-309, Maine Yankee
Atomic Power Station, Lincoln County,
Maine

Date of application for amendment:
March 5, 1985, supplemented June 11,
1985 and modified June 20, 1985.

Brief description of amendment: The
amendment modified the Maine Yankee
Technical Specifications concerning
Steam Generator Tube Surveillance
Requirements.

Date of issuance: August 20, 1985.

Effective date: August 20, 1985.

Amendment No.: 84.

Facility Operating License No. DPR-
38: Amendment revised the Technical
Specifications.

Date of initial notice in Federal
Register: July 17, 1985 (50 FR 29006 at
29011).

The Commission's related evaluation
of the amendment is contained in a
Safety Evaluation dated August 20, 1985.

No significant hazards consideration
comments received: No.

Local Public Document Room
location: Wiscasset Public Library, High
Street, Wiscasset, Maine.

Omaha Public Power District, Docket
No. 50-285, Fort Calhoun Station, Unit
No. 1, Washington County, Nebraska

Date of application for amendment:
June 6, 1985.

Brief description of amendment: The
amendment added new technical
specifications addressing the
surveillance requirements related to the
licensee's solid radioactive waste
Process Control Program (PCP).
Specifically, the requirements state that
the PCP shall be used to verify the
solidification of radioactive waste.

Date of issuance: August 22, 1985.

Effective date: October 3, 1985.

Amendment No.: 91.

Facility Operating License No. DPR-
40: Amendment revised the Technical
Specifications.

Date of initial notice in Federal
Register: July 3, 1985 (50 FR 27502 at
27508).

The Commission's related evaluation
of the amendment is contained in a
Safety Evaluation dated August 22, 1985.

No significant hazards consideration
comments received: No.

Local Public Document Room
location: W. Dale Clark Library, 215
South 15th Street, Omaha, Nebraska
68102.

Omaha Public Power District, Docket
No. 50-285, Fort Calhoun Station, Unit
No. 1, Washington County, Nebraska

Date of application for amendment:
June 11, 1985.

Brief description of amendment: The
amendment changed the testing
frequency of the auxiliary feedwater
pumps from quarterly to monthly.

Date of issuance: August 19, 1985.

Effective date: within 30 days of
issuance.

Amendment No.: 90.

Facility Operating License No. DPR-
40: Amendment revised the Technical
Specifications.

Date of initial notice in Federal
Register: July 17, 1985 (50 FR 29006 at
29013).

The Commission's related evaluation
of the amendment is contained in a
Safety Evaluation dated August 19, 1985.

No significant hazards consideration
comments received: No.

Local Public Document Room
location: W. Dale Clark Library, 215
South 15th Street, Omaha, Nebraska
68102.

Philadelphia Electric Company, Public
Service Electric and Gas Company,
Delmarva Power and Light Company,
and Atlantic City Electric Company,
Docket No. 50-278, Peach Bottom
Atomic Power Station, Unit No. 3, York
County, Pennsylvania

Date of application for amendment:
January 7, 1985, as amended April 1,
1985.

Brief description of amendment: The
changes to the Technical Specifications
permit reactor operation of Peach
Bottom, Unit No. 3 with Reload No. 6
(Cycle 7).

Date of issuance: August 23, 1985.

Effective date: August 23, 1985.

Amendment No.: 114.

Facility Operating License No. DPR-
56: Amendment revised the Technical
Specifications.

Date of initial notice in Federal
Register: February 27, 1985 (50 FR 7999)
and May 21, 1985 (50 FR 20986).

The Commission's related evaluation
of the amendment is contained in a
Safety Evaluation dated August 23, 1985.

No significant hazards consideration
comments received: No.

Local Public Document Room
location: Government Publications
Section, State Library of Pennsylvania,

Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania.

Power Authority of The State of New York, Docket No. 50-286, Indian Point Unit No. 3, Westchester County, New York

Date of application for amendment: March 27, 1985 and April 23, 1985, as supplemented August 1, 1985.

Brief description of amendment: The amendment revises the Technical Specifications to allow the first of a three-phase fuel design transition from Westinghouse 15 x 15 low parasitic (LOPAR) design to the 15 x 15 Optimized Fuel Assembly (OFA) design with the introduction of Wet Annular Burnable Absorber (WABA) rods into the core and to allow an equivalent steam generator tube plugging level of up to 30% in any steam generator provided the equivalent average plugging level in all steam generators is less than or equal to 24%. The licensee's August 1, 1985 submittal provided additional information to the original amendment request and did not change the Technical Specifications.

Date of issuance: August 27, 1985.

Effective date: August 27, 1985.

Amendment No.: 61.

Facilities Operating License No. DPR-64. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: June 4, 1985 (50 FR 23549) and July 3, 1985 (50 FR 27508).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 27, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York, 10610.

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50-395, Virgil C. Summer Nuclear Station, Unit 1, Fairfield County, South Carolina

Date of application for amendment: April 9, 1985, as supplemented May 20 and June 20, 1985.

Brief description of amendment: The amendment modifies the Technical Specifications to delete the Boron Injection System.

Date of issuance: August 26, 1985.

Effective date: September 2, 1985.

Amendment No.: 44.

Facility Operating License No. NPF-12. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: July 17, 1985 (50 FR 29015).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 26, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180.

The Toledo Edison Company and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of application for amendment: September 17, 1984.

Brief description of amendment: The amendment adds to Technical Specifications 6.9.1.6 the requirement to report in the monthly operating report challenges to the pressurizer power operated relief valve (PORV) and the pressurizer code safety valves.

Date of issuance: August 22, 1985.

Effective date: August 22, 1985.

Amendment No.: 87.

Facility Operating License No. NPF-3. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: March 27, 1985 (50 FR 12165).

The Commission's related evaluation of the amendment is contained in a letter to the licensee dated August 22, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

The Toledo Edison Company and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of application for amendment: October 8, 1984.

Brief description of amendment: The amendment adds Technical Specification Section 6.2.3, which requires administrative procedures to be developed and implemented to limit facility staff working hours.

Date of issuance: August 22, 1985.

Effective date: August 22, 1985.

Amendment No.: 88.

Facility Operating License No. NPF-3. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: March 27, 1985 (50 FR 12165).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 22, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

The Toledo Edison Company and the Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of application for amendment: December 16, 1984.

Brief description of amendment: This amendment modifies paragraph 6.4.1 of the TSs to specify that the retraining and replacement training program for the facility staff is under the direction of the Nuclear Training Manager. Previously no position title was shown in paragraph 6.4.1.

Date of issuance: August 26, 1985.

Effective date: August 26, 1985.

Amendment No.: 89.

Facility Operating License No. NPF-3. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: March 27, 1985 (50 FR 12165).

The Commission's related evaluation of the amendment is contained in a letter to Toledo Edison Company dated August 26, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Virginia Electric and Power Company, et al., Docket Nos. 50-338 and 50-339 North Anna Power Station, Units No. 1 and No. 2, Louisa County, Virginia

Date of application for amendments: February 9, 1984.

Brief description of amendments: The amendments add a description of the post-accident sampling program to the NA-1&2 TS Administrative Controls, Section 6 in response to NUREG-0737 Item II.B.3 (Post-Accident Sampling) and II.F.1.2 (Sampling and Analysis of Plant Effluents).

Date of issuance: August 20, 1985.

Effective date: August 20, 1985.

Amendment Nos.: 65 and 50.

Facility Operating License Nos. NPF-4 and NPF-7. Amendments revised the Technical Specifications.

Date of Initial notice in Federal Register: June 4, 1985 (50 FR 23543 at 23554).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 20, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room

locations: Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23093, and Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

Virginia Electric and Power Company, et al., Docket Nos. 150-338 and 50-339, North Anna Power Station, Units No. 1 and No. 2, Louisa County, Virginia

Date of application for amendments: September 28, 1984.

Brief description of amendments: The amendments are administrative in nature and correct discrepancies presently existing in the NA-1&2 TS which relate to the Radiological Effluent Technical Specifications (RETS). The amendments add the Containment Vacuum Steam Ejector (Hogger) as a gaseous release path that is monitored and specify the figure for the Low Population Zone in the appropriate TS figure and correct numbers are assigned to appropriate TS Table numbers.

Date of issuance: August 29, 1985.

Effective date: August 29, 1985.

Amendments Nos.: 67 and 53.

Facility Operating License Nos. NPF-4 and NPF-7. Amendments revised the Technical specifications.

Date of initial notice Federal Register: The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 29, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room

locations: Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23093, and the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

Virginia Electric and Power Company, et al., Docket Nos. 50-338 and 50-339, North Anna Power Station, Units No. 1 and No. 2, Louisa County, Virginia

Date of application for amendments: April 15, 1985.

Brief description of amendments: The amendments revised the NA-1&2 TS 3/4 9.3 to specify a minimum decay time of 150 hours instead of the presently specified 100 hours prior to any movement of fuels for refueling operations.

Date of issuance: August 21, 1985.

Effective date: August 21, 1985.

Amendment Nos.: 66 and 52.

Facility Operating License Nos. NPF-4 and NPF-7. Amendments revised the Technical Specifications.

Date of initial notice in Federal Register: May 21, 1985 (50 FR 20969 at 20995).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 21, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room

locations: Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23093, and the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

Virginia Electric and Power Company, Docket Nos. 50-280 and 50-281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia

Date of application for amendments: May 13, 1985.

Brief description of amendments: These amendments revise Technical Specifications Section 5.3 to modify the description of the fuel assemblies so that reconstituted assemblies may be placed into the core. In the reconstituted assemblies, fuel rods which are known to have failed have been removed and replaced with dummy (non-fueled) rods.

Date of issuance: August 26, 1985.

Effective date: August 26, 1985.

Amendment Nos.: 102 and 102.

Facility Operating License Nos. DPR-32 and DPR-37. Amendments revised the Technical Specifications.

Date of initial notice in Federal Register: June 4, 1985 (50 FR 23555).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 26, 1985.

No significant hazards consideration comments received: No.

Local Public Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Virginia Electric and Power Company, et al., Docket No. 50-339, North Anna Power Station, Unit No. 2, Louisa County, Virginia

Date of application for amendment: February 11, 1985.

Brief description of amendment: The amendment provides relief from Surveillance Requirement 4.4.7 (Table 4.4-3) which requires that reactor coolant system chemistry limits for chlorides and fluorides be sampled on a continuing 72 hour basis. The relief from Surveillance Requirements 4.4.7 (Table 4.4-3) is applicable when the reactor coolant system is drained below the reactor pressure nozzle and the internals and/or head are in place. The relief is only applicable in Mode 6 (Refueling).

Date of issuance: August 21, 1985.

Effective date: August 21, 1985.

Amendment No.: 51.

Facility Operating License No. NPF-7: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: July 17, 1985 (50 FR 29006 at 29020).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 21, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room

locations: Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23093, and the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

Dated at Bethesda, Maryland this 5th day of September 1985.

For the Nuclear Regulatory Commission.

Edward J. Butcher,

Acting Chief, Operating Reactors Branch #3, Division of Licensing.

[FR Doc. 85-21736 Filed 9-10-85; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Joint Subcommittees on Structural Engineering and Seismic Design of Piping; Meeting

The ACRS Subcommittees on Structural Engineering and Seismic Design of Piping will hold a joint meeting on September 23 and 24, 1985, Room 1046, 1717 H Street, NW, Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Monday, September 23, 1985—8:30 a.m. until the conclusion of business.

Tuesday, September 24, 1985—8:30 a.m. until the conclusion of business.

The Subcommittees will review the status of research programs on containment integrity, seismic margins, piping reliability, and other related matters. In addition, leak-before-break concept applied to high energy piping systems other than the primary coolant line will be discussed.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as

far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittees, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittees will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Elpidio G. Igne (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedules, etc., which may have occurred.

Date: September 5, 1985.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 85-21733 Filed 9-10-85; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee River Bend Station; Revisions

The Federal Register published on Tuesday, August 20, 1985 (50 FR 33657) contained notice of a meeting of the ACRS Subcommittee on River Bend Station scheduled for Wednesday, September 11, 1985, and the time has been changed to 3:45 p.m. in Room 1046, 1717 H Street, NW, Washington, DC. To the extent practical the meeting will be open to public attendance. However, portions of the meeting may be closed to discuss the results of ongoing NRC investigations.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Dr. Richard Savio (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m. Persons planning to attend this meeting are urged to contact the above named

individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Date: September 5, 1985.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 85-21734 Filed 9-10-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-352 OL, 50-353 OL]

Philadelphia Electric Co.; Oral Argument

In the matter of Philadelphia Electric Company, (Limerick Generating Station, Units 1 and 2).

Notice is hereby given that, in accordance with the Appeal Board's order of August 29, 1985, oral argument on the appeals of Limerick Ecology Action and Robert L. Anthony/Friends of the Earth from the Licensing Board's May 2, 1985, third partial initial decision on offsite emergency planning (LBP-85-14) will be heard at 1:00 p.m. on Friday, October 11, 1985, in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

Dated: September 5, 1985.

For the Appeal Board.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 85-21732 Filed 9-10-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-299 (CH)]

General Public Utilities Nuclear (Three Mile Island Nuclear Station, Unit No. 1); Hearing

The Appeal Board as part of its decision on management-related issues in the Three Mile Island, Unit 1 (TMI-1) restart proceeding required that "Mr. Husted have no supervisory responsibilities insofar as the training of non-licensed personnel is concerned." ALAB-772, 19 NRC 1193, 1224 (1984).

The Commission upon reviewing that decision decided to offer Mr. Husted "an opportunity to request a hearing on whether the Appeal Board's condition barring him from supervisory responsibilities insofar as the training of non-licensed personnel is concerned should be vacated." CLI-85-2, 21 NRC 282, 317 (1985). The Commission in CLI-85-2 further stated that it would assign the matter to an Administrative Law Judge if Mr. Husted requested a hearing.

On March 25, 1985 Mr. Husted requested a hearing. Mr. Husted also requested that the proffered hearing be expanded to address whether he "is barred by concerns about his attitude or integrity from serving as an NRC licensed operator, or a licensed operator instructor or training supervisor."

Mr. Husted maintained that the expanded scope he requested would not require additional agency resources because it would involve consideration of the same factual issues as would the proffered hearing. Therefore, Mr. Husted argued, the potential benefit to himself justified such an expanded scope.¹

Either hearing would focus on whether the following four concerns regarding Mr. Husted are true, and, if so, whether they require that he not be employed in the jobs in question:

(1) The alleged solicitation of an answer to an exam question from another operator during the April 1, 1981 NRC written examination;

(2) The lack of forthrightness of his testimony before the Special Master;

(3) His poor attitude toward the hearing on the cheating incidents; and

(4) His lack of cooperative with NRC investigators.

Therefore, the Commission agrees that the expanded scope he has requested should not require additional agency resources.

Mr. Husted also noted the existence of a July 6, 1983 Stipulation between GPU Nuclear and the Commonwealth of Pennsylvania in which GPU Nuclear agreed not to utilize Mr. Husted to operate TMI-1 or to train operating license holders or trainees. Mr. Husted stated that the licensee has no objection

¹ Both the NRC staff and Three Mile Island Alert (TMIA) responded to Mr. Husted's request. The NRC staff opposed the expanded scope of hearing requested by Mr. Husted. For the reasons set forth in this Order, the Commission disagrees with the staff.

TMIA, without specifying exactly what relief it is seeking, argued that Mr. Husted's request is in reality an attempt by licensee to relitigate issues decided in the TMI-1 restart proceeding, and that intervenors in the restart proceeding have a due process interest in finality of decision.

TMIA's claims are without merit. The Commission is instituting this proceeding, to be held separate from the restart proceeding, in fairness to Mr. Husted, who was not given notice and an opportunity to intervene in the restart proceeding. TMIA's claims of an attempt to relitigate issues in the restart proceeding are unfounded. Those issues have been resolved for the purposes of that proceeding. Moreover, TMIA, if it meets the standards for intervention, may intervene in this separate proceeding. This will provide TMIA the opportunity to protect any interests it may have in this matter.

to the scope of hearing as requested by Mr. Husted. Mr. Husted further stated his understanding that the Commonwealth "cannot agree in advance of the proceeding that the outcome would control its view as to the continued need for the Stipulation concerning Mr. Husted."

The Commission recognizes the rights of the parties to this Stipulation. Nonetheless, the Stipulation resulted, at least in part, from an NRC proceeding to which Mr. Husted was not a party. Therefore, in fairness to Mr. Husted the Commission has decided to grant Mr. Husted's request for an expanded scope of hearing. This will provide Mr. Husted with an opportunity to demonstrate his fitness for the positions at issue, and, if results of the hearing are favorable to Mr. Husted, he can then take up the Stipulation with GPU Nuclear and the Commonwealth.

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 2, notice is hereby given that a hearing will be held before an Administrative Law Judge, to be appointed by the Chief Administrative Judge, Atomic Safety and Licensing Board Panel. The Administrative Law Judge will set the time and place for the hearing and shall hold prehearing conferences as necessary. The scope of the hearing will be as set forth above. The hearing will be conducted pursuant to the procedures contained in 10 CFR Part 2, Subpart G. Any petitions to intervene by any interested person shall be filed in accordance with 10 CFR 2.714 and, to be timely, shall be filed within 45 days of the date of this Notice. The NRC staff is to participate as a full party, and is to ensure that the record is fully developed. XXXX

Pursuant to 10 CFR 2.785, the Commission authorizes an Atomic Safety and Licensing Appeal Board to exercise the authority and perform the review functions which would otherwise be exercised and performed by the Commission.

Dated in Washington, D.C. this 5th day of September, 1985.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 85-21731 Filed 9-10-85; 8:45 am]

BILLING CODE 7590-01-M

¹ The Commonwealth of Pennsylvania on May 28, 1985 moved to disqualify the law firm of Shaw, Pittman, Potts & Trowbridge from representing both Mr. Husted and GPU Nuclear. That motion is hereby referred to the Administrative Law Judge for resolution.

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Demand Forecasting Advisory Committee; Regular Meeting

AGENCY: Demand Forecasting Advisory Committee of the Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1-4. Activities will include:

- Status Report on Contracts.
- Discussion of Demand Forecasts in Draft Plan.
- Adjourn meeting.

Status: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its Demand Forecasting Advisory Committee.

DATE: Wednesday, October 2, 1985, 9:00 a.m.

ADDRESS: The meeting will be held at the Council's Central Office, 850 SW. Broadway; Suite 1100, Portland, Oregon.

FOR FURTHER INFORMATION, CONTACT: Terry Morlan, (503) 222-5161.

Edward Sheets,
Executive Director.

[FR Doc. 85-21681 Filed 9-10-85; 8:45 am]

BILLING CODE 0000-00

Northwest Conservation and Electric Power Plan Proposed Model Conservation Standard Amendments, Additional Information

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of additional information available for public comment regarding proposed amendments to the Northwest Conservation and Electric Power Plan (Plan) relating to model conservation standards (MCS).

SUMMARY: Notice of proposed amendments to portions of the Plan relating to the MCS was published at pages 30654 through 30661 in the *Federal Register* of July 26, 1985. That notice described the proposed amendments, explained how to obtain additional information, and outlined the process for submitting comments and participating in public hearings. The Council recently released to all who requested them two additional documents providing updated technical background information

relevant to the Council's proposed amendments. This notice describes these additional documents and explains how to obtain copies of them.

DATES AND ADDRESSES: Public comments regarding the proposed MCS amendments will be accepted at the Council's central office (Suite 1100, 850 SW. Broadway, Portland, Oregon 97205) until 5 p.m., Pacific time, on September 13, 1985. The remaining public hearings on the proposed amendments are scheduled for:

- Seattle, Washington, 9 a.m., September 9, 1985, Federal Building, Room 2866, 915 Second Avenue;
- Portland, Oregon, Wednesday, September 11, 1985, 10 a.m., Council's central office, 850 SW. Broadway, Suite 1100, Portland, Oregon; and
- Missoula, Montana, 1:30 p.m., September 13, 1985, Missoula Sheraton, 200 S. Pattee Street.

Copies of the two additional background documents described in this notice may be obtained by writing to Judy Allender at the Council's central office address given above.

FOR FURTHER INFORMATION CONTACT: Ruth Curtis, Information Coordinator, at (toll-free) 1-800-222-3355, from Montana, Idaho, Washington and California; (toll-free) 1-800-452-2324 in Oregon; or (503) 222-5161.

SUPPLEMENTARY INFORMATION: To stimulate further public discussion regarding the proposed MCS amendments and to provide the most recent data supporting the Council's proposals, the Council has released two additional documents for public review. Each of these documents is entitled "Model Conservation Standards Review Issue Paper, Updated Analysis of the Residential Standards Demonstration Program: Conservation Measure Cost Reports" and provides recently reported information on MCS conservation measure costs from the Residential Standards Demonstration Program (RSDP). RSDP cost data was initially analyzed in the Council's March 15, 1985 Model Conservation Standards Review Issue Paper. Since publication of that paper, additional cost reports for houses involved in the RSDP program have become available. The first document, "Addendum I," includes additional RSDP data through August 16, 1985. It also includes a discussion of the data and procedures used to develop the Council's interim savings targets. The second document, "Addendum II," includes additional RSDP cost data made available between August 16 and August 22, 1985. Each of these updated documents provides detailed

information related to the following issues raised by the Council's proposed MCS amendments:

- Economic Feasibility for the consumer.
- Cost-effectiveness for the region.
- Indoor air quality and heat recovery ventilators.
- Early adoption of building codes meeting the existing MCS.
- Marketing programs to encourage energy-efficient housing.

The Council encourages interested parties to review the data contained in these two documents when preparing comments on the proposed MSC amendments.

Edward Sheets,

Executive Director.

[FR Doc. 85-21682 Filed 9-10-85; 8:45 am]

BILLING CODE 0000-00-M

Northwest Conservation and Electric Power Plan Draft Revision, Hearings, and Public Comment Period

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of proposed amendments, hearings, and opportunity to comment.

SUMMARY: On April 27, 1983, the Pacific Northwest Electric Power and Conservation Planning Council (Council) adopted a Northwest Conservation and Electric Power Plan (Plan) pursuant to the Northwest Power Act (16 U.S.C. 839 et seq.). Since that time to the Council has amended portions of the Plan. The Council has now released for public comment a draft revision of the entire Plan. This notice describes the draft revised Plan and explains how to participate in the comment process. The draft revised Plan is being considered separately from the current proposed amendments to those portions of the Plan dealing with model conservation standards (MCS), which are the subject of a different hearing and comment process (50 FR 30654-61, July 26, 1985; 50 FR 33435, August 19, 1985). Comments pertaining to the MCS should be submitted pursuant to the Council's MCS amendment process and according to the schedule established there.

DATES AND ADDRESSES: The public comment period regarding the draft revised Plan closes at 5 p.m. Pacific time on October 25, 1985. Public hearings on the draft revised Plan will be held at the following places and times:

- Missoula, Montana, 9:00 a.m., October 11, 1985, Village Red Lion, 100 Madison, Missoula, Montana.

- Salem, Oregon, 10:00 a.m., October 15, 1985, Employment Building Auditorium, 875 Union Street NE., Salem, Oregon.

- Boise, Idaho, 10:00 a.m., October 17, 1985, Downtowner Red Lion, 1800 Fairview, Boise, Idaho.

- Seattle, Washington, 9:00 a.m., October 21, 1985, Federal Building, South Auditorium, 915 Second Avenue, Seattle, Washington.

The Council currently expects to take final action on the draft revised Plan during its December 11-12, 1985 meeting now scheduled for Portland, Oregon. The actual date on which the Council will make its final decision will be announced in accordance with applicable law and in accordance with the Council's practice of providing notice of its meeting agendas.

Guidelines for Presenting Oral Comments at Hearings

1. To reserve a time period for presenting oral comments at a hearing, contact Ruth Curtis, Information Coordinator, at the Council's central office (850 SW. Broadway, Suite 1100, Portland, Oregon 97205 or (503) 222-5161, toll free 1-800-222-3355 in Idaho, Montana, and Washington or 1-800-452-2324 in Oregon) no later than two business days before the hearing.

2. Those who do not reserve a time period will be permitted to present oral comments as time permits.

3. Use the hearing to summarize written comments. The comments themselves should not be read.

4. If possible, ten (10) copies of written comments should be submitted to the Council reporter at the hearings. This person will be sitting at a table near the Council members and will be identified at the start of the hearing by the chairman. When preparing these copies, refer to the guidelines below for written comments.

5. Comment time may be limited if the number of people signed up to testify is so large that it will be necessary to impose limits to allow all commenters an opportunity to speak. A 15-minute guideline is suggested.

6. Appearance at more than one hearing is unnecessary. At each hearing, scheduling preference will be given to individuals and groups who have not testified at earlier hearings.

Guidelines for Submitting Written Comments

1. All written comments must be received in the Council's central office, 850 SW. Broadway, Suite 1100, Portland, Oregon, 97205 by 5 p.m. Pacific time on Friday, October 25, 1985. Comments

should be directed to the attention of Dulcy Mahar at this address.

2. Comments should be clearly marked "Draft Revised Plan Comments".

3. Written comments should be specific and concise and refer to sections or page numbers in the draft revised Plan.

4. If appropriate, submit a "marked up" copy of the draft revised Plan (or appropriate sections) indicating suggestions and/or revisions. Suggested deletions should be lined out and placed in parentheses. Suggested new language should be underlined.

5. Please type (double-spaced) comments, if possible. Use only one side of the paper.

6. Provide ten (10) copies of all comments and supporting materials if at all possible.

FOR FURTHER INFORMATION CONTACT:

Copies of the draft revised plan may be obtained by contacting Judy Allender at the address and telephone numbers listed above. Requests for further information should be directed to Dulcy Mahar, Director of Public Information and Involvement, at the address and telephone numbers listed above.

SUPPLEMENTARY INFORMATION: As directed by the Northwest Power Act (16 U.S.C. 839 et seq., "the Act"), the Council adopted a Northwest Conservation and Electric Power Plan on April 27, 1983. The Act requires the Council to review the Plan at least once every five years, and in the 1983 Plan the Council committed itself to revising the Plan every two years (Plan, p. 11-1). At its scheduled public meeting in Portland, Oregon on August 7, 1985, the Council voted to release the draft revised Plan for public comment.

The draft revised power Plan is made up of two volumes. Volume I contains the basis planning strategy, important regional power issues, lowest cost mix and schedules for new resources acquisitions, and an Action Plan the region needs to follow to ensure an adequate and reliable supply of electricity at the lowest cost. Volume II is the technical analysis and supporting material for the policy decisions presented in Volume I. The following describes those subjects and issues treated in the draft revised Plan.

Chapter-By-Chapter Analysis Volume I

Chapter 1: Electricity—Cornerstone of the Northwest Economy

Thanks to the largest coordinated hydroelectric system in the world, the Northwest has historically enjoyed the

nation's cheapest electricity. This resource has been critical to the region's economic growth. The goal of the Plan is to ensure the Northwest maintains the lowest cost electrical energy future. This chapter details the recent history of electrical development in the Northwest and the actions that led to the Northwest Power Act and the Northwest Power Plan.

Chapter 2: The Regional Picture—Problems and Solutions

Currently the Northwest has a 2,300-megawatt surplus of electricity that could last from five to more than 20 years. This surplus is distributed unevenly among the region's utilities. Through regionwide cooperative actions, these differences can be used as opportunities to attain the lowest possible cost energy future for the region. Developing resources on a regional basis could save the Pacific Northwest \$3.8 billion.

Cooperation is particularly important in three areas: (1) The need to develop regionally cost-effective conservation before turning to other, more expensive resources; (2) the need to allocate properly the cost of acquiring and holding resource options that provide flexibility for the regional power system; and (3) the need to make better use of the hydropower system.

The chapter also provides an overview of the current status of the region, including a description of the uncertainties that influence the Council's power planning strategy.

Chapter 3: The Council's Planning Strategy—Risk Management

This chapter sets out the overall goals of the Plan and the Council's planning strategy.

Because the future is uncertain, the Plan must be able to adapt to changing needs. At the same time it must choose the most cost effective way for providing enough electricity to meet any demand. The Council's planning strategy evaluates the contribution of specific resources to power system cost by examining the way resources work together over a wide range of possible loads. Risks are lessened by using flexible resources that can be modified to meet changing demands for electricity. Conservation is an example of such a resource.

The Plan includes a process called "optioning" to design and license resources and keep them "ready on the shelf" until they are needed. Having resources "at the ready" gives planners added time to be certain that demand levels in the region warrants a decision

to enter the expensive construction phase.

Chapter 4: Future Electricity Needs

This chapter presents the range of forecasts for electrical energy demand. These forecasts play three roles in the power Plan: (1) They are the basis for deciding how much electricity is needed to support a healthy and growing economy; (2) they explore and define the uncertainty surrounding future resource needs; and (3) they are an essential component in assessing the effects of conservation actions taken as part of the Council's power Plan.

The analysis examines four forecasts representative of high, medium-high, medium-low and low electrical demand growth in the Northwest. The chapter also details the economic and demographic trends that shaped the forecasts and establishes the assumptions used in these forecasts.

Chapter 5: The Existing Regional Electric Power System

This chapter examines the existing resources and resource capacities available to the region, including hydropower, other renewable and cogeneration resources, coal and nuclear plants, and imported power.

The Northwest's hydropower system produces approximately two-thirds of the total electricity used by the region. Thermal generating resources, such as coal and nuclear plants, provide most of the remaining electricity. Even with high economic growth, hydropower would still produce almost half the region's electricity at the turn of the century.

This chapter covers the major operating characteristics of the Northwest's electrical power system.

Chapter 6: Conservation Resources

Conservation is the Council's priority resource for meeting the Northwest's future electricity needs. Assuming high economic growth, close to 3,900 average megawatts of conservation would be available at an average cost of 2.1 cents per kilowatt-hour. This amount of available power is equal to more than the amount eight coal plants could produce and it is available at less than half the cost of coal-produced power.

This chapter assesses the amount of new conservation available and its cost. The Council considered cost-effective conservation to be measures the systemwide cost of which was less than that of a comparable amount of electricity produced at a new generating facility. The Northwest Power Act grants conservation a 10 percent cost advantage over other resources.

The chapter analyzes conservation possibilities in each of the power demand sectors: residential, agricultural, commercial, industrial, and governmental.

Chapter 7: Generating Resources

A variety of generating resources are potentially available to meet future Northwest electricity demand. Each resource was analyzed to determine its availability to the region, its reliability, and cost effectiveness. Generating resources that met these criteria were included in the resource portfolio. Other resources, classified as promising, are recommended in the Action Plan for further research, development or demonstration.

Resources reviewed include coal, geothermal, hydropower, municipal solid waste, natural gas, nuclear power, solar, wind, wood residue, cogeneration and waste heat. Also examined were improvements to the efficiency of existing generating projects and the hydropower system.

The Washington Public Power Supply System Nuclear Projects 1 and 3 were found to be cost effective, but a number of legal and financial barriers to their completion make it impossible to rely on power from the plants until such barriers are overcome.

Chapter 8: Resource Portfolio

The 20-year resource portfolio identifies what resources must be developed, to what extent, how soon, and in what order. It includes the potential range of future energy needs, and the lowest cost mix of new resources necessary to meet those needs. Like a stock portfolio, the resource portfolio is diversified and carefully selected to lower economic risks faced by the Northwest.

If the region experiences high economic growth, the following resources need to be developed in this order: conservation, available hydropower, better use of the hydropower system, cogeneration, and coal-fired power plants. If growth is low, conservation alone could take care of all the region's new electrical power needs. Resource schedules for medium-low medium-high growth also included.

Chapter 9: 1985 Action Plan

The Action Plan sets down steps that must be taken in the near term to realize the long-term goals of the Plan. It summarizes the progress made in implementing the 1983 Plan and, building on that progress, establishes a new direction for the near term. It contains a detailed Plan for the

Bonneville Power Administration and recommended actions for the region's other power entities, including investor-owned utilities, and the public utility regulatory commissions.

Given the current regional surplus of electricity, the Action Plan emphasizes acquiring only lost opportunity resources in the near term. These are resources that must be secured now or lost forever. It also stresses the need to build the capability to acquire other new resources so that they are available when needed.

Chapter 10: Conclusion

This chapter is brief summary of the key points of the Plan. It is followed by a glossary of terms used in the Plan.

Appendix I-A: Model Process for Acquiring Resources

The Council's Options Steering Committee and several of its task forces suggested that the Council develop an overall approach to acquiring options on, and the eventual construction of, major resources (see Volume I, Chapter 3). In response, the Council developed this model process for acquiring resources, which accommodates acquisitions by both Bonneville and other regional utilities.

Appendix I-B: Method of Surcharge

The Northwest Power Act authorizes a surcharge on Bonneville customers whose jurisdictions fail to implement conservation measures that achieve savings of electricity comparable to those saved by the model conservation standards. The Council has drafted a methodology for calculating this surcharge.

Volume II

Chapter 1: Introduction

Chapter 2: Economic, Demographic and Fuel Price Assumptions

Economic and demographic assumptions are the dominant factors affecting the forecasts of the demand for electricity. Demand generally parallels economic growth, but is influenced by shifts in the relative price of electricity and other fuels, by changes in the composition of economic activity, and by the gradual replacement of inefficient buildings, factories and machines with more efficient ones.

These influences are extremely important and, at the same time, highly uncertain. The range of future electricity demands included in the Plan is designed to reflect the extent of this underlying uncertainty.

Chapter 3: Forecast of Demand for Electricity

This chapter describes in more detail the demand forecasts presented in Chapter 4, Volume I.

Chapter 4: Financial Assumptions and Cost Effectiveness of Conservation

Financial variables are used in estimating the quantities and costs of resources, projecting future demand for electricity, and simulating the operation of the power system with alternative sets of resources. In all of these analyses, the values for variables such as escalation rates, cost of capital, and discount rates are important because they directly influence the outcome of the analysis. These values must be consistent through all of the analysis.

Chapter 5: Conservation Resources

This chapter contains detailed descriptions of the calculations used to assess the amount and cost of achievable conservation available to the Northwest.

Chapter 6: Generating Resources

This chapter details existing resources and the basis for selecting new generating resources. It also provides the distribution of existing resources between public and investor-owned utilities.

Chapter 7: Better Use of the Hydropower System

The hydropower system uses the worst case scenario of low water conditions on record for planning purposes. In most years, large amounts of hydropower are available in excess of this critical period amount. The Council's studies assessed various strategies for improving the use of this electricity and concluded that such improvements have the potential of saving the Northwest about \$1.2 billion by reducing the need to build new thermal plants.

Chapter 8: Resource Portfolio

This chapter describes in detail the Council's resource portfolio and the analytical methods and computer models used to develop it.

Chapter 9: Consideration of Environmental Quality and Fish and Wildlife

The Act requires the Council to give due consideration to environmental quality and fish and wildlife protection in its Plan.

Environmental quality and fish and wildlife concerns were analyzed for various resources. The costs for pollution abatement equipment and fish

and wildlife mitigation required under state and federal regulations were included in the estimates of generic resource costs. This information was used in selecting the individual components of the resource portfolio. This chapter describes the process the Council used in considering environmental quality and fish and wildlife in its preliminary selection of resources.

Chapter 10: Public Involvement

An extensive public involvement program is being conducted to ensure widespread participation in the development of the revised Plan. The distribution of this draft for public comment is part of that effort. None of the determinations contained in it are final. They are all open to change based on the comments the Council receives.

Appendix II-A: Method for Determining Environmental Costs and Benefits

The Council has developed a method for the Bonneville Power Administration to use in assessing the environmental costs and benefits of specific resource acquisition decisions.

Appendix II-B: Conditions for Bonneville Financial Assistance to Hydropower Development in the Region

In order to protect the Northwest's fish and wildlife when hydropower projects are developed, various conditions must be met if the Bonneville Power Administration finances or assists with the development of these projects.

Overview of the Plan as a Whole

An underlying theme throughout the draft Plan is a call for regional cooperation. The Council's draft Plan calls for a series of specific cooperative actions that could save the Pacific Northwest \$3.8 billion in the next 20 years. The Council strongly believes regional cooperation is the best strategy for realizing a low-cost electrical energy future.

One of the keys to this cooperation will be the role assumed by the Bonneville Power Administration, the region's federal power marketing agency. Currently, Bonneville serves about half the region's electric power needs—100 of the 115 public utilities and a small portion of one investor-owned utility's needs. The other half of the regional electricity load is served by investor-owned utilities and public utilities with their own generation.

This situation could change in the near future because of disparities in how the current surplus is distributed.

The public utilities, with their access to the federal base system (principally power from the federal dams) appear to have a much larger share of the surplus. But the investor-owned utilities could need new resources within the decade if economic growth is rapid. The investor-owned utilities could turn to Bonneville when they have exhausted their own cost-effective resources.

If the investor-owned utilities do turn to Bonneville, the agency's obligations to supply power could double in the next 20 years. Even with this doubled load, it would be cheaper to the region as a whole for Bonneville to supply power to them than for the investor-owned utilities to develop their own generating resources. The utilities are deterred from turning to Bonneville by the fact that there is currently no policy for a competitively-priced, predictable rate for power from new resources. Since one of the greatest uncertainties before the region today is what demands, if any, will be placed on Bonneville in the next 20 years, such a policy could significantly reduce uncertainty.

Cooperation among power institutions is essential to keep future electrical power costs down. This cooperation is particularly important in three areas.

First, the need to develop regionally cost-effective conservation before turning to more expensive resources. The resource disparity among utilities could result in a situation in which conservation would go undeveloped in the service areas of utilities with a surplus, while other utilities turned to higher cost or higher risk resources. That could cost the region as a whole \$1.4 billion more for electricity than if all cost-effective conservation were developed first.¹ The draft Plan calls for mechanisms to transfer conservation among utilities.

Second, cooperation is key to allocating the cost of acquiring and holding potential resource options that provide flexibility for the regional power system. The cost of preserving the two partially completed Washington Public Power Supply System nuclear plants (WNP-1 and 3) may range between \$24 million and \$72 million a year. Currently, Bonneville pays the bulk of this cost. Bonneville does not appear to need the output of these plants unless the investor-owned utilities place substantial demands on the agency. The uncertainty of these demands has led to dissatisfaction about who pays for the

preservation costs. A system to allocate costs equitably could enhance preservation of the two plants, which have a value of \$1.2 billion to the region.

Third, the need to make better use of the hydropower system also requires cooperation. Specifically, the draft Plan addresses better ways to use the hydropower that is available in all but the driest years. Because hydropower depends on the weather—rainfall and snowpack—the amount of power available varies both from year to year and within each given year. Planning for the system is based on critical water, the lowest water available in very 100 years. However, the average annual difference between critical water and average water produces enough electricity to serve four cities the size of Seattle. This additional power is called nonfirm because it is not always available. Strategies to "firm-up" this power so that it could serve firm loads could save the region \$1.2 billion. Bonneville needs to develop a policy for allocating nonfirm energy to serve customers whose loads are growing.

The draft Plan also addresses other uncertainties facing the region:

The volatility of the direct service industries represents a major uncertainty for the region. These industries, primarily aluminum plants, use 15 percent of the regional load, which they buy directly from Bonneville. Because of economic factors, the Northwest aluminum companies tend to operate "swing" plants, operating when aluminum prices are high and shutting down when they are not. In the last five years, the power use by these plants has fluctuated by as much as 1,000 megawatts per year. The long-term future of these plants in the region is uncertain.

Incomplete data on conservation programs creates another uncertainty. While considerable progress has been made—principally through the adoption of the model conservation standards in six Washington areas and other code and building practice improvements spurred by the standards—much remains to be done. The Council's first Plan called for Bonneville to develop and test programs to build capability for conservation across all sectors—residential, agricultural, commercial, industrial and governmental. Building capability means developing and testing programs so that they are ready to use if the region needs them. With the exception of the residential sector, the region still has little conservation experience. Bonneville needs to develop such programs across all sectors.

The future of WNP-1 and WNP-3—plants which could provide 1,600 megawatts—is also a question mark. While the Council has found the plants cost effective, it has also identified a number of legal and financial barriers to their completion. The region cannot rely on future power from these plants until these barriers are overcome.

The potential for future out-of-region sales and purchases is largely unknown. The Council will conduct a West Coast energy study to gain information on import and export opportunities.

Edward Sheets,

Executive Director.

[FR Doc. 85-21883 Filed 9-10-85; 8:45 am]

BILLING CODE 0000-00-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC-14707 (Filed No. 812-8158)]

Freedom Investment Trust; Application

September 5, 1985.

Notice is hereby given that Freedom Investment Trust ("Applicant"), Three Center Plaza, Boston, Massachusetts 02108, filed an application on July 22, 1985, for an order, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant, including its two series of shares and future series, from the provisions of sections 2(a)(32), 2(a)(35) and 22(c) of the Act and Rule 22c-1 thereunder to the extent necessary to permit the assessment of a contingent deferred sales charge upon certain redemptions of its shares. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act and the rule thereunder for the text of the applicable provisions.

Applicant is an open-end diversified management investment company organized as a Massachusetts business trust. Applicant states that it is a series company which currently has two series: the Freedom Gold & Government Trust Series and the Freedom Regional Bank Fund Series ("Funds"). Applicant currently assesses sales charges of up to 5% and 6% of the public offering price, respectively, on purchases of shares of each Fund, except that the initial sales charge on shares of the Funds purchased in volumes of \$1,000,000 or more has been eliminated.

Applicant intends to impose a contingent deferred sales charge on certain redemptions of shares having an

¹This cost and those that follow are determined by what the region would have to pay if it needed new power and had to turn to more expensive resources to supply it.

initial purchase price of \$1,000,000 or more. Applicant states that the contingent deferred sales charge would only be imposed on redemptions occurring within one year of a purchase and will never exceed $\frac{1}{4}$ of 1% of the lesser of (1) the net asset value of the shares redeemed, or (2) the total cost of such shares. No contingent deferred sales charge will be imposed when the investor redeems (1) amounts derived from increases in the value of his account above the total cost of shares being redeemed due to increases in the net asset value per share of a Fund, (2) shares acquired through reinvestment of dividend income and capital gains distributions, or (3) shares held for at least one year.

In determining whether a contingent deferred sales charge is payable, Applicant states that shares held the longest will be redeemed first. Furthermore, shares held prior to the imposition of the contingent deferred sales charge may be redeemed without imposition of such charge. There is also to be a contingent deferred sales charge on exchanges of shares between the Funds of the Applicant and other investment companies that have the same adviser as the Applicant.

Applicant submits that the proposal to eliminate the front-end charge and to impose a contingent deferred sales charge under these conditions is consistent with all provisions of the Act. Applicant further submits the such an exemption is clearly in the public interest and is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than September 27, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-21738 Filed 9-10-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22385; File No. SR-MSE-85-10]

Self-Regulatory Organizations; Proposed Rule Change by Midwest Stock Exchange, Inc. Relating to Its Fee Schedule

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 30, 1985 the Midwest Stock Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as describe in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Terms of Substance of the Proposed Rule Change

The Midwest Stock Exchange, Incorporated hereby amends its fee schedule as follows:

Additions italicized—[Deletions Bracketed]

[Agency] Transaction Fee Schedule

ITEM CHARGE	
	Rate (per trade)
Round lot trades/month	
0 to 500	10.0
501 to 1000	0.0
1001 and over	-10.0
Odd Lot Item Fee	0.0

VALUE CHARGE	
	Rate (per \$1,000)
Total gross dollar value/month in millions	
0.0 to 10.0	16.0
10.1 to 25.0	12.0
25.1 to 125.0	8.5
125.1 to 250.0	8.0
250.1 to 350.0	7.5
350.1 to 450.0	6.5
450.1 to 550.0	4.5
550.1 and over	3.0

In calculating this amount, each cross order will be valued up to the first 50,000 shares only.

Adjustments are made for: Principal specialist and market maker trades, floor brokerage and specialist give-ups.

For round lot orders entered through the MAX System, the order entering firm will receive a credit of 15.0¢ per trade. Such credit shall be calculated monthly and will be applied against the firm's total monthly bill.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The Midwest Stock Exchange, Incorporated is initiating a 15¢ per trade credit to order entering firms for all round lot trades entered through the MSE Automatic Execution System (MAX). MSE's total costs for the development and use of the MAX system is fixed. Therefore, as the number of trades entered through the MAX system increases, the more cost efficient the system becomes. In addition because trades are automatically executed through MAX, there is no labor intensive activity involved in executing and reporting trades. The proposed credit will pass on these efficiencies to the user firms. The proposed credit will become effective on October 1, 1985.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Stock Exchange, Incorporated does not believe that the proposed fee schedule will impose any burdens on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of

the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-referenced self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by October 2, 1985.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 4, 1985.

John Wheeler,

Secretary.

[FR Doc. 85-21739 Filed 9-10-85; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/886]

National Committee of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that the National Committee of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on October 3, 1985 from 10:00 a.m. until 1:00 p.m. in the East Auditorium, Room 2925,

Department of State, 2201 C Street, NW., Washington, D.C.

The National Committee assists in the resolution of administrative/procedural problems pertaining to U.S. CCITT activities; provides advice on matters of policy and positions in the preparation for CCITT Plenary Assemblies and meetings of the International Study Groups; provides advice and recommendations in regard to the work of the U.S. CCITT Study Groups; and recommends the disposition of proposed U.S. contributions to the international CCITT which are submitted to the Committee for consideration.

The purpose of the meeting on October 3 is to:

1. Introduce the Committee's new Charter;
2. Review the results of the Ad Hoc Group for Special S;
3. Discuss the level of documents and document flow;
4. Assess delegation and non-delegation discipline;
5. Review participation by foreign entities in Committee meetings;
6. If necessary, prepare U.S. contributions for international meeting of the CCITT dealing with such matters.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that prior to the meeting, persons who plan to attend, so advise Mr. Earl Barbely, Department of State; telephone (202) 632-5832. All attendees must use the 21st Street entrance to the building.

September 3, 1985.

Domenick Iacovo,

Acting Director, Office of Technical Standards and Development.

[FR Doc. 85-21722 Filed 9-10-85; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/885]

Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group A (International CCITT Study Groups I, III, and VIII) of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on October 3, 1985 at 2:00 p.m. in

Room 1207, Department of State, 2201 C Street, NW., Washington, D.C.

Study Group A deals with U.S. Government aspects of international telegram and telephone operations and tariffs. The Study Group will discuss international telecommunications questions relating to telephone, telegraph, telex, new record services, data transmission and leased channel services in order to develop U.S. positions to be taken at the upcoming international meeting of several CCITT Study Group I and III Working Parties and to develop delegations for such meetings.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to seating available. In the regard, entrance to the Department of State building is controlled. All persons wishing to attend the meeting should contact the office of Earl Barbely, Department of State, Washington, D.C., telephone (202) 632-5832. All attendees must use the C Street entrance to the building.

Dated: September 4, 1985.

Domenick Iacovo,

Acting Director, Office of Technical Standards and Development.

[FR Doc. 85-21723 Filed 9-10-85; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Informal Airspace Meeting

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of Informal Airspace Meeting.

SUMMARY: This notice announces an informal airspace meeting to discuss the proposed establishment of special air traffic rules and communication requirements at the Willow Grove, Pennsylvania, Naval Air Station Airport.

DATE: October 7, 1985, 7:00 P.M. to 10:00 P.M. Eastern daylight time.

ADDRESS: The Hatboro-Horsham Senior High School, 227 Meetinghouse Road, Horsham, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Joseph Kelley, Acting Manager, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Fitzgerald Federal Building, J.F.K. International Airport, Jamaica New York 11430; Telephone: (718) 917-1228.

Dated: September 3, 1985.

Joseph Kelley,

Acting Manager, Airspace and Procedures
Branch, AEA-530.

[FR Doc. 85-21612 Filed 9-10-85; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

[FHWA Docket No. 85-24]

Study of Highway User Fee Liability for Heavy Trucks; Opening of Docket

AGENCY: Federal Highway
Administration (FHWA), DOT.

ACTION: Notice of request for comments.

SUMMARY: Section 931 of the Deficit Reduction Act of 1984 directs the Department of Transportation (DOT) to conduct a study of whether highway motor vehicles with taxable gross weights of 80,000 pounds or more bear their fair share of the costs of the highway system. The purpose of this notice is to describe the scope of the study and to establish a public docket for receipt of information and comments related to areas under investigation.

DATE: Comments must be received on or before December 31, 1986.

ADDRESS: Submit written comments preferably in triplicate, to FHWA Docket Number 85-24, FHWA, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, D.C. 20590. Any comments received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m. ET, Monday through Friday, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT:

Mr. Roger Mingo, Chief, Systems Analysis Branch, (202) 426-0570; or Mr. Michael J. Laska, Office of the Chief Counsel, (202) 426-0761, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Study Mandate

Section 931 of the Deficit Reduction Act of 1984 (Pub. L. 98-369, 98 Stat. 494) requires the Secretary of Transportation to "conduct a study of whether highway motor vehicles with taxable gross weights of 80,000 pounds or more bear their fair share of the cost of the highway system." The final report must be submitted to Congress by October 1, 1987.

Background

In 1982, a report on the allocation of Federal highway program costs was completed and forwarded to Congress as required by the Surface Transportation Assistance Act of 1978 (Pub. L. 95-599, 92 Stat. 2689). This concluded a comprehensive study of costs occasioned by different vehicle classes and development of a methodology to assign costs to vehicle groups. Two premises underlying the study were that the level of user fee contributions should equal the level of the highway program to be financed and that equity-based methods would be employed in the assignment of costs. Costs were limited those at the Federal level and were defined as Trust Fund obligations.

Unlike prior studies, the major focus was on rehabilitation. The incremental method of the prior cost allocation studies was, therefore, only employed for certain new construction costs and an alternative approach was employed for rehabilitation. For pavement rehabilitation, resurfacing, reconstruction, and restoration (4R), a consumption (or damage) approach was developed. Poor pavement condition was considered a result of a combination of factors, some load induced, some environmental. Distresses, weighted by their importance in the decision to rehabilitate, were attributed to axles and then to vehicle classes in proportion to their distribution of axle loads. Costs of pavement distresses that were unrelated traffic were assigned to all vehicle classes.

A last category of costs included those unrelated to vehicle dimension, such as safety enforcement and highway administration. These costs were considered residual and allocated to all vehicle classes. Costs were combined and used to assign responsibility, which was then compared with each class' user fee payments.

Among the more significant findings of the study was the sharply increasing cost associated with increases in axle loads. Pavement deteriorates more rapidly under heavier axle load conditions and the study effectively illustrated the greater responsibility of the heavier weights. This finding becomes all the more important in the context of a future highway program where the majority of the costs will be associated with rehabilitation and where truck operating weights will be higher than at present.

While the study identified a cross-subsidy of higher weight vehicles by lighter ones, the vehicles at the upper

end of the weight spectrum were not analyzed in detail. A follow-up study, "Alternatives to the Heavy Vehicle Use Tax" focused on heavy trucks and distinguished among high-annual-mileage and low-annual-mileage vehicles in order to explore non-lump-sum highway user fees that would track better with individual vehicle cost responsibilities. The latter study used the data and methodology of the 1982 highway cost allocation study, but slightly modified their application. This study will begin where the other studies terminated and will explore the detailed characteristics and cost responsibilities of the heaviest trucks currently using our highways.

Scope

The objective of the study is to determine the cost responsibility of trucks weighing over 80,000 pounds, gross vehicle weight (GVW). In order to determine responsibility of such vehicles, a comprehensive analysis of costs and division of responsibilities is required. The focus will be, however, on those vehicles which for any reason operate over 80,000 pounds GVW. Axle loadings will be the major basis of the damage functions. Highway costs will be estimated and allocated in a manner similar to the 1982 Highway Cost Allocation Study (HCAS). Data bases will be updated and revisions made in the forecasting models to reflect changed economic circumstances. Recent developments in cost allocation procedures and damage equations will be incorporated.

Methods

It is anticipated that the general approach developed for the 1982 HCAS will be applied in this analysis. We propose to include in the costs to be allocated Federal, State, and local investment requirements, updated to a forecast year of 1990. The general categories of costs include: new pavement and bridge construction and major widening of existing facilities; pavement reconstruction, resurfacing, minor widening, restoration, and rehabilitation; bridge replacement costs, due to structural inadequacy of functional obsolescence; and repaired bridge costs. Right-of-way and grading costs as well as administration and planning costs will also be included.

New facility costs will likely be allocated using an updated version of the incremental method. Pavement costs will be assigned based on current design standards for thickness, width, etc., that are required to carry the estimated traffic loadings. Vehicles will be

changed in proportion to the thickness and width requirements that they impose. To estimate this, vehicles will be hypothetically removed from traffic until further removal would not reduce the payment thickness requirement. This threshold represents the minimum feasible thickness and will be treated as a residual cost.

In contrast, pavement 4R costs will likely be distributed through the consumption or damage approach. Damage will be defined as pavement distresses weighted by their importance in the decision to rehabilitate the road. Models based on pavement performance theory and actual section performance will be employed to relate damage and traffic loadings. Repair and reconstruction costs will then be assigned to each vehicle based on its contribution to the wearing of pavements.

The residual cost category, that is those costs not attributable to vehicle weight or size requirements, will be charged to all highway users. These costs, such as minimum pavement thickness and width, program administration, planning, and safety expenditures, will be allocated based on some measure of highway use.

Since the 1982 study, new information on vehicles and vehicle travel has become available; this information as well as refinements to the damage equations and deterioration models will be incorporated in the analyses. Recommendations by the National Motor Carrier Advisory Committee (NMCAC) have also been adopted. The pavement cost responsibility will focus on axleweight equity rather than GVW equity and vehicle classifications will incorporate axleweight, spacings, and groupings. State and local taxes will be considered in the user-fee payment categories. In addition, the NMCAC, and the industry through this Notice, are asked to provide assistance in obtaining representative data on heavier vehicles; we are also soliciting information on vehicle life and on fuel and tire use.

Task Outline

In order to conduct the study, the following broad categories of tasks will be performed.

Task 1 Review Theories of Cost Allocation

The first task is to review economic and political theories of cost allocation and user fee philosophies. Alternative approaches, including application of marginal cost pricing will be considered.

Task 2 Update Truck Fleet Information

The 1982 Truck Inventory and Use Survey from the Bureau of the Census and more recent truck weight data will be incorporated into the data base. Supplemental information on heavy trucks and their axle configurations will be obtained and included in the truck fleet files. Vehicle classification will be modified to focus on axle loads. All data will be projected to 1990.

Task 3 Update Highway Cost Forecasts

Costs for highways, at the Federal, state, and local level, will be obtained and projected to the 1990 analysis year.

Task 4 Revise and Apply Cost Allocation Procedures

A. Improve Pavement Models

Current pavement distress models are based on empirical data and mechanistic response models. Additional pavement sections from the pavement long term monitoring project will be employed if possible to update the distress models and the relationship of traffic to failure. Alternative procedures for weighting the distresses will be evaluated and the distress models will be refined.

B. Improve Bridge Cost Allocation Procedures by Incorporating Fatigue Considerations

A major shortcoming of the 1982 HCAS was that vehicles exceeding the design moment of a bridge were assessed no more than those at the threshold. Clearly, application of increasing stress beyond the design moment shortens bridge life and can ultimately result in failure. This relationship of the moment produced by any vehicle to bridge life can be represented as fatigue life. The definition of fatigue for varying bridge types, an estimate of the loss of bridge life as a function of overstress cycles, and cost as a product of vehicle moment production will be incorporated into the bridge cost allocation.

Task 5 Revise the Revenue Forecasting Model

Detailed information on State user fees and fees associated with special permits will be incorporated. Costs associated with heavy truck fuel and tire consumption as well as other cost factors that might vary with vehicle weight will be obtained and included in the model.

Task 6 Report Results

Comparison will be made between cost responsibilities and user fee

payments for a selected set of example vehicles. These vehicles will be carefully chosen to illustrate the ranges of overpayments or underpayments by the entire population of vehicles as well as by those in most widespread use.

Information Request

Those wishing to comment on any aspect of the study or provide information on heavy vehicle operation, axleweight and groupings, or fuel and tire use are requested to send such comments or information to the docket established by this Notice.

Issued on August 30, 1985.

R.A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

[FR Doc. 85-21709 Filed 9-10-85; 8:45 am]

BILLING CODE 4910-22-M

Maritime Administration

[Docket No. S-777]

Application to Amend Contract MA/MSB-417 To Provide Service From Guam to Thailand and to Southeast and South Asia, American President Lines, Ltd.

Notice is hereby given that American President Lines, Ltd. (APL), by letter application of August 23, 1985, has requested amendment of its subsidized service description as set forth in Appendix A of APL's Operating-Differential Subsidy Agreement, Contract MA/MSB-417, so as to permit carryings of cargo in U.S. foreign commerce from Guam to Thailand and from Guam to extension area ports on Trade Routes 17 and 28, Southeast and South Asia, Persian Gulf-Red Sea.

APL currently serves Guam biweekly by means of a subsidized U.S.-flag feeder vessel relaying cargoes to and from APL line haul vessels operating in transpacific trade. APL's current Guam authority includes up to a 26 Guam calls annually, and includes service in U.S. foreign commerce Guam and the Philippines and to Guam from foreign ports served under APL's subsidy contract.

This application may be inspected in the Office of the Secretary, Maritime Administration. Any person, firm, or corporation having any interest in such request and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, Room 7300, Nassif Building, 400 Seventh Street SW., Washington D.C. 20590. Comments must be received no later than 5:00 P.M. on September 26, 1985.

(Catalog of Federal Domestic Assistance Program No. 20.904 Operating-Differential Subsidies)

By Order of the Maritime Administrator.

Dated: September 8, 1985.

Georgia P. Stamas,

Secretary

[FR Doc. 85-21630 Filed 9-10-85; 8:45 am]

BILLING CODE 4910-81-M

National Highway Traffic Safety Administration

[Docket No. IP85-7; Notice 2]

Volvo White Truck Corp.; Grant of Petition for Determination of Inconsequential Noncompliance

This notice grants the petition by Volvo White Truck Corporation of Greensboro, North Carolina, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.101 Motor Vehicle Safety Standard No. 101, *Controls and Displays*. The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published on April 30, 1985, and an opportunity afforded for comment (50 FR 18344).

Paragraph S5.2.1 of Federal Motor Vehicle Safety Standard No. 101, in conjunction with Table I, requires that the windshield defroster and the fan be labelled with the appropriate identifying symbols; words are optional. Volvo White produced up to 2,789 heavy duty trucks which used the optional identifying words for the defroster and the fan instead of the required symbols. The trucks involved are the Volvo F7, F10 and N12 series.

Volvo White claimed that the drivers of such heavy duty trucks are professionals and would be unlikely to be unfamiliar with the operation of the controls, as an "average" driver might be when using a rented or borrowed passenger car. Volvo White also stated that the Table I words were mandatory prior to the 1980 amendment to the standard. In addition, Volvo White is unaware of any complaints, accidents, or potential accidents relating to this noncompliance. Volvo White believed that the owners and operators of the vehicles would find the noncompliance to be inconsequential and would view any recall as a nuisance.

No comments were received on the petition.

The agency has decided to grant the petition by Volvo White. The trucks concerned are in the two highest weight

categories, Class 7 and Class 8, with gross vehicle weight ratings of 26,000 pounds and higher. Vehicles of this size and type are not likely to be driven by those who are unfamiliar with the controls; these vehicles are operated by professional drivers, as Volvo White argued. The wording used by Volvo White does comply with requirements formerly in effect. Accordingly, petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety and its petition is hereby granted.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on September 5, 1985.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 21643 Filed 9-10-85; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Delegation of Authority; District Directors, et al.

[Delegation Order No. 213]

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: The purpose of this delegation order is to delineate the authority to issue Formal Document Requests as described in Section 982 of the Tax Equity and Fiscal Responsibility Act of 1982.

EFFECTIVE DATE: September 4, 1985.

FOR FURTHER INFORMATION CONTACT: Raymond Ring, OP:EX:N:1, 111 Constitution Avenue NW., Room 2515, Washington, DC 20224.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury directive appearing in the *Federal Register* for Wednesday, November 8, 1978.

Arsenio Martinez,

Acting Director, Office of National and International Programs.

[Order No. 213]

EFFECTIVE DATE: September 4, 1985.

Authority to Issue Formal Document Requests

The authorities granted to the Commissioner of Internal Revenue by 26 CFR 301.7602-1 and section 982 of the Internal Revenue Code to issue Formal Document Requests and to perform the other functions related thereto are

delegated to all District Directors, Service Center Directors, and the following officers and employees:

(1) *District Examination:* Chiefs of Division; Chiefs of Examination Section; Chiefs of Examination Branches; Case Managers; Group Managers; Internal Revenue Agents; Tax Auditors; Attorneys, Estate Tax; and Estate Tax Examiners.

(2) *District Employee Plans and Exempt Organization:* Chief of Division; Branch Chief; Chief, Technical/Review Staff; Group Managers; Internal Revenue Agents; Tax Law Specialists; and Tax Auditors.

(3) *District Collection Activity:* Chiefs and Assistant Chiefs of Divisions; Chiefs of Field Branches; Chiefs, Automated Collection Branch; Chiefs, Special Procedures Staffs; Chiefs, Technical and Office Compliance Branches and Groups; Chiefs, Collection Section; Chiefs, Collection and Taxpayer Service Section; Group Managers; Revenue Officers; Revenue Representatives; and Office Collection Representatives.

(4) *District Criminal Investigation:* Chief and Assistant Chief of Division; Chiefs of Branches; Group Managers; and Special Agents.

(5) *Inspection:* Assistant Commissioner; Director, Internal Security Division; Director, Internal Audit Division; Regional Inspectors, Internal Auditors and Internal Security Inspectors; Investigators (Internal Security); and Internal Security Assistants.

(6) *Service Center:* Chief, Compliance Division; Chief, Examination Branch; Chief, Collection Branch; Chief, Criminal Investigation Branch; Revenue Agents; Tax Auditors; Tax Examiners in the correspondence examination function; and Special Agents.

(7) *Foreign Operations District:* Director, Assistant Director; Chief of Divisions and Branches; Special Agents; Case Managers; Group Managers; Internal Revenue Agents; Attorneys Estate Tax; Estate Tax Examiners; Revenue Service and Assistant Revenue Service Representatives; Tax Auditors; and Revenue Officers.

The authority delegated herein may not be redelegated.

To the extent that the authority previously executed consistent with this Order may require ratification, it is hereby approved and ratified.

Dated: July 5, 1985.

Approved:

James I. Owens,

Deputy Commissioner.

[FR Doc. 85-21706 Filed 9-10-85; 8:45 am]

BILLING CODE 4830-01-M

Sunshine Act Meetings

Federal Register

Vol. 50, No. 176

Wednesday, September 11, 1985

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, September 16, 1985, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Applications for Federal deposit insurance:

Evansville Morris Plan Co., Inc., an operating noninsured industrial bank located at 222 Main Street, Evansville, Indiana.

Thrift, Incorporated, an operating noninsured industrial bank located at 4601 Lincoln Avenue, Evansville, Indiana.

Fidelity Investment, Inc., an operating noninsured industrial bank located at 714 North Michigan Street, South Bend, Indiana.

Application for consent to relocate the main office:

First Mutual Savings Bank, Bellevue, Washington, for consent to relocate its main office from 10430 N.E. 8th Street to 400—108th Avenue, N.E., within Bellevue, Washington.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement

proceedings approved by the Director or an Associate Director of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Director, Division of Accounting and Corporate Services: Memorandum re: Investment Management Report June 30, 1985.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: September 9, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85-21767 Filed 9-9-85; 11:09 am]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, September 16, 1985, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Application for Federal deposit insurance:

Bank of the Federated States of Micronesia, a proposed new bank to be located at 100 Main Street, Kosrae, Federated States of Micronesia.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: September 9, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85-21768 Filed 9-9-85; 11:09 am]

BILLING CODE 6714-01-M

3

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 50.

DATE PUBLISHED: Monday, September 9, 1985, Page No. 36705.

PLACE: In the Board Room, 6th Floor, 1700 G St., NW., Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202-377-6679).

CHANGES IN THE MEETING: The following item has been withdrawn from the

agenda for the Open Meeting: Appraised Equity Capital.

John F. Ghizzoni,
Assistant Secretary.

No. 22, September 9, 1985.

[FR Doc. 85-21766 Filed 9-9-85; 11:09 am]

BILLING CODE 8720-01-M

4

FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Monday, September 16, 1985.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Federal Reserve Bank and branch director appointments.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m., two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: September 8, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-21762 Filed 9-9-85; 10:38 am]

BILLING CODE 8210-01-M

5

NATIONAL SCIENCE FOUNDATION

AGENCY: National Science Board.

DATE AND TIME: September 20, 1985; 8:30-9:00 a.m.—Closed Session; 9:00-9:30 a.m.—Open Session.

PLACE: National Science Foundation, Washington, D.C.

STATUS: Part of this meeting will be closed to the public. Part of the meeting will be open to the public.

MATTERS TO BE CONSIDERED SEPTEMBER 20:

Closed Session (8:30-9:00 a.m.)

1. Minutes—August 1985 Meeting
2. NSB and NSF Staff Nominees
3. Grants, Contracts, and Programs

Open Session (9:00-9:30 a.m.)

4. Grants, Contracts, and Programs
5. Minutes—August 1985 Meeting
6. Chairman's Report
7. Director's Report
8. Other Business

Thomas Ubois,

Executive Officer.

[FR Doc. 85-21846 Filed 9-9-85; 3:23 pm]

BILLING CODE 7555-01-M

6

SECURITIES AND EXCHANGE COMMISSION Agency Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of September 16, 1985.

A closed meeting will be held on Tuesday, September 17, 1985, at 2:30 p.m. An open meeting will be held on Thursday, September 19, 1985, at 10:00 a.m., in Room 1C30.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10).

Commissioner Cox, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, September 17, 1985, at 2:30 p.m., will be:

- Formal order of investigation.
- Institution of administrative proceeding of an enforcement nature.
- Institution of injunctive actions.

The subject matter of the open meeting scheduled for Thursday, September 19, 1985, at 10:00 a.m., will be:

1. Consideration of proposals by five options exchanges and the NASD that would establish uniform, premium-based, customer margin requirements for short options positions. For further information, please contact Eneida Rosa at (202) 272-2381 or Sharon Lawson at (202) 272-3116.
2. Consideration of whether or under what conditions to allow exchanges to participate in the integrated market making pilot discussed in Securities Exchange Act Release No. 22026 (May 8, 1985). For further information, please contact Sharon Lawson at (202) 272-2825.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: David Powers at (202) 272-2091.

John Wheeler,

Secretary.

September 8, 1985.

[FR Doc. 85-21820 Filed 9-9-85; 1:53 pm]

BILLING CODE 8010-01-M

7

DEPARTMENT OF EDUCATION National Council on Educational Research; Full Council Meeting Correction

FR Doc. 85-21370 was published in the Notices section of the Federal Register on page 36650 in the issue of Monday, September 9, 1985. It should have appeared in the Sunshine Act Meetings section of the issue.

BILLING CODE 1505-02-M

Register Federal

Wednesday
September 11, 1985

Part II

Department of Commerce

International Trade Administration

15 CFR Parts 376, 379, and 399

Revisions to the Commodity Control List
Based on COCOM Review; Final Rule

15 CFR Parts 379 and 399

Revisions to the Commodity Control List
Based on COCOM Review; Electronics
and Precision Instruments; Final Rule

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 376, 379 and 399

[Docket No. 50840-5040]

Revisions to the Commodity Control List Based on COCOM Review

AGENCY: Office of Export Administration, International Trade Administration, Department of Commerce.

ACTION: Final rule.

SUMMARY: The Office of Export Administration maintains the Commodity Control List (CCL), which identifies those items subject to Department of Commerce export controls. This rule revises several List entries in the categories of Metal-Working Machinery; Chemical and Petroleum Equipment; Electrical and Power Generating Equipment; General Industrial Equipment; Transportation Equipment; Metals, Minerals, and their Manufactures; and Chemicals, Metalloids, Petroleum Products and Related Materials.

These revisions resulted from a review of strategic controls maintained by the U.S. and certain allied countries through the Coordinating Committee (COCOM). Such multilateral controls restrict the availability from abroad of strategic items to potential adversaries. With the concurrence of the Department of Defense, the Department of Commerce has determined that these revisions to the CCL are necessary to protect U.S. national security interests.

This rule also makes changes to the Export Administration Regulations in order to conform their provisions with new export control policy. A section is added to the Regulations on numerical control units, numerically controlled machine tools, dimensional inspection machines and specifically designed software.

EFFECTIVE DATE: This rule is effective September 11, 1985.

FOR FURTHER INFORMATION CONTACT: Vincent Greenwald, Exporter Assistance Division, Office of Export Administration, Telephone (202) 377-3856.

For questions of a technical nature regarding metal-working machinery, chemical and petroleum equipment, general industrial equipment, and transportation equipment, call Bruce Webb, Capital Goods and Production Materials Division, Office of Export Administration, telephone (202) 377-3806. For questions on chemicals and materials, call Jo-Anne Jackson, Capital

Goods and Production Materials Division, telephone (202) 377-0896. For questions on equipment for the manufacture or testing of electronic components and materials (1355A), call Randy Williams, Scientific and Electronic Equipment Division, telephone (202) 377-3109.

SUPPLEMENTARY INFORMATION:

Equipment controlled for export by the Department of Commerce that is affected by the latest COCOM agreement includes the following:

Spin-forming and flow-forming machines specially designed or adapted for use with numerical or computer controls;

Specially designed equipment, tooling and fixtures for the manufacture or measuring of gas turbine blades or vanes;

Specially designed or modified equipment, tools, dies, molds and fixtures for the manufacture or inspection of aircraft airframe structures or aircraft fasteners;

Specially designed or modified equipment, tools, dies, molds, fixtures and gauges for the manufacture or inspection of aircraft and aircraft-derived gas turbine engines;

Equipment for the production of liquid fluorine;

Vacuum pump systems;

Electric vacuum furnaces;

Electrochemical, semiconductor and radioactive devices for the direct conversion of chemical, solar, or nuclear energy to electrical energy;

Certain electric arc devices for generating a flow of ionized gas in which the arc column is constricted;

Metal rolling mills;

Isostatic presses;

Equipment for the manufacture or testing of electronic components and materials;

Test facilities and equipment for the design and development of aircraft or gas turbine aero-engines;

Machine-tools for generating optical quality surfaces;

"Robots", "robot" controllers and "robot" end-effectors;

Marine gas turbine engines;

Aircraft and helicopters;

Compasses, gyroscopes (gyros), accelerometers and inertial equipment;

Magnetic metals; and

Cobalt-, nickel-, and titanium-based alloys.

Changes to the export licensing requirements for items on the Commodity Control List include:

(1) Revision of the validated license requirements for export of certain spin-forming and flow-forming machines that are specially designed or adapted for

use with numerical or computer controls (ECCN 1075A);

(2) The lifting of validated license controls over certain blade and/or vane belt grinding machines, edges radiusing machines, and aerofoil milling and/or grinding machines (ECCN 1080A);

(3) The revision of the validated license requirements for export of certain equipment, tools, dies, molds and fixtures for the manufacture or inspection of aircraft, airframe structures or aircraft fasteners (ECCN 1081A);

(4) The revision of the validated license controls on numerical control units, numerically controlled machine, tools, and dimensional inspection machines (ECCN 1091A);

(5) Lifting of validated license controls on certain equipment for production of liquid hydrogen (ECCN 1110A);

(6) Revision of the license controls on exports of certain equipment for the manufacture or testing of electronic components and materials (ECCN 1355A);

(7) New validated license controls on specially designed tooling and fixtures for the manufacture of fiber-optic connectors and couplers (a new ECCN 1359A) and on machinery and equipment for the manufacture of hydrofoil vessel and surface-effect vehicle structures and components (a new ECCN 1364A);

(8) New validated license requirements for "robots", "robot" controllers and "robot" end-effectors (a new ECCN 1391A);

(9) Revision of the validated license requirements on exports of certain surface-effect vehicles and water screw propellers (ECCN 1416A); and

(10) Lifting of validated license controls on some larger aircraft engines and related components and expansion of controls to include small engines and some helicopter power transfer system components (ECCN 1460A).

Saving Clause

Shipments of items removed from general license authorizations as a result of this regulation that were on dock for lading, on lighter, laden aboard an exporting carrier, or en route aboard a carrier to a port of export pursuant to actual orders for export before September 25, 1985, may be exported under the general license provisions up to and including October 9, 1985. Any such items not actually exported before midnight October 9, 1985 require a validated export license.

Rulemaking Requirements

1. This rule is exempted from the provisions of the Administrative Procedure Act requiring notice of proposed rulemaking, an opportunity for public participation, and a delay in effective date (5 U.S.C. 553) pursuant to section 13(a) of the Export Administration Act of 1979, as amended. This regulation also involves foreign and military affairs functions of the United States.

2. This rule contains a collection of information requirement under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* Applications for validated export licenses and reexport requests required by this rule will be made on Form ITA-622P and on Form ITA-699P. (The collections of this information have been approved by the Office of Management and Budget under control numbers 0625-0001 and 0625-0009.) OMB approval of reporting requirements under § 376.11 is pending. Comments may be addressed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20530, ATTN: Desk Officer for International Trade Administration, Department of Commerce.

3. Because a notice of proposed rulemaking is not required for this rule, it is not a rule within the meaning of section 601(2) of the Regulatory Flexibility Act, 5 U.S.C. 601(2) and is not subject to the requirements of that Act. Accordingly, no initial or final Regulatory Flexibility Analysis has been or will be prepared.

4. Because this rule concerns foreign and military affairs functions of the United States, it is not a rule or regulation within the meaning of section 1(a) of Executive Order 12291 and, accordingly, is not subject to the requirements of that Order. Therefore, no preliminary or final Regulatory Impact Analysis has been or will be prepared.

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

List of Subjects in CFR Parts 376, 379, and 399

Exports, science and technology.

Accordingly, Parts 376, 379 and 399 of the Export Administration Regulations are amended as follows:

PART 376—[AMENDED]

1. The authority citation for 15 CFR Part 376 is revised to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.*, as amended by Pub. L. 97-145 of December 29, 1981 and by Pub. L. 99-64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985).

2. Part 376 is amended by revising § 376.11 to read as follows:

§ 376.11 Numerical control units, Numerically controlled machine tools, Dimensional inspection machines, Direct numerical control systems, Specially designed assemblies, and Specially designed software.

This section set forth special provisions relating to the licensing for export or reexport of numerical control units, numerically controlled machine tools, dimensional inspection machines, and specially designed software for such commodities to destinations in Country Groups Q, W, or Y or the People's Republic of China.

(a) *Numerical control units.* Include the following information with the validated license application (Form ITA-622P) and reexport request (Form ITA-699P):

- (1) Make and model number of the control unit;
- (2) Description of the manner in which the computer is embedded in, incorporated in, or associated with the CNC unit. Specify the make and the model of the computer (For a clarification of terms, refer to the technical notes in ECCN 1091A or Advisory Note 16 of ECCN 1565A of the Commodity Control List—Supp. No. 1 to § 399.1);
- (3) Number of axes the control unit is capable of simultaneously controlling in a coordinated contouring mode, and type of interpolation (linear, circular, and other);
- (4) Minimum programmable increment;
- (5) Number and type of parallel data communication interfaces;
- (6) Number and type of serial data communication interfaces;
- (7) The internal word size in number of bits, including parity bit;
- (8) A description and an itemized list of all machine control features that will be supplied with the control unit;
- (9) A description and an itemized list of all software/firmware to be supplied with the control unit, including software/firmware for any programmable control unit or device to be supplied with the control unit;
- (10) A description and an itemized list of all documentation for the software/firmware above.

(b) Numerically controlled machine tools and dimensional inspection machines. Include the following information with the validated license application (Form ITA-622P) or reexport request (Form ITA-699P):

- (1) Name and model number of machine tool or dimensional inspection machines;
- (2) Type of equipment, e.g., horizontal boring machine, machining center, dimensional inspection machine, turning center, etc.;
- (3) Description of the linear and rotary axes capable of being simultaneously controlled in a coordinated contouring mode, regardless of the fact that the coordinated movement of the machine axis may be limited by the numerical control unit supplied with the machine tool;
- (4) Maximum slide travel in each axis;
- (5) Power of spindle drive motor;
- (6) Number of working spindles;
- (7) Spindle diameter (inside bearing diameter);
- (8) Motion of the spindle axis measured in the axial direction in one revolution of the spindle, and a description of the method of measurement;
- (9) Motion of the spindle axis measured in the radial direction in one revolution of the spindle, and a description of the method of measurement;
- (10) Incremental positioning accuracy in any 200 mm of travel, and a description of the method for measurement;
- (11) Overall positioning accuracy, and a description of the method for measurement.

application (Form ITA-622P) or reexport request (Form ITA-699P):

- (1) Name and model number of machine tool or dimensional inspection machines;
- (2) Type of equipment, e.g., horizontal boring machine, machining center, dimensional inspection machine, turning center, etc.;
- (3) Description of the linear and rotary axes capable of being simultaneously controlled in a coordinated contouring mode, regardless of the fact that the coordinated movement of the machine axis may be limited by the numerical control unit supplied with the machine tool;
- (4) Maximum slide travel in each axis;
- (5) Power of spindle drive motor;
- (6) Number of working spindles;
- (7) Spindle diameter (inside bearing diameter);
- (8) Motion of the spindle axis measured in the axial direction in one revolution of the spindle, and a description of the method of measurement;
- (9) Motion of the spindle axis measured in the radial direction in one revolution of the spindle, and a description of the method of measurement;
- (10) Incremental positioning accuracy in any 200 mm of travel, and a description of the method for measurement;
- (11) Overall positioning accuracy, and a description of the method for measurement.

PART 379—[AMENDED]

3. The authority citation for 15 CFR Part 379 is revised to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.*, as amended by Pub. L. 97-145 of December 29, 1981 and by Pub. L. 99-64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985).

§ 379.1 [Amended]

4. Paragraph (a) of § 379.1 is amended by revising the second sentence to read: "The data may take a tangible form, such as a model,¹ prototype,² blueprint, or an operating manual (the tangible form may be stored on recording media); or they may take an intangible form such as technical service."

5. Paragraph (b) of § 379.4 is revised to read as follows:

§ 379.4 General license GTDR: Technical data under restriction.

(b) *Restrictions applicable to Country Groups Q, W, Y, T and V, Afghanistan and the People's Republic of China.*

(1) The following are definitions of terms used to describe certain types of technical data restricted for export to Country Groups Q, W, Y, T and V, Afghanistan and the People's Republic of China;

(i) "Operation technical data" is defined as explicit data in such forms as manuals, instruction sheets, blueprints or software, provided they are:

(a) Sent as part of a transaction involving and directly related to, a commodity licensed for export from the United States, or specifically authorized for reexport, to the same consignee and destination to which the commodity was or will be exported under this license of authorization;

(b) A single shipment sent no later than one year following the shipment of the commodity to which the technical data are related;

(c) Of a type delivered with the commodity in accordance with established business practice;

(d) Necessary to the assembly, installation, maintenance, repair, or operation of the commodity¹; and

(e) Not related to the production, manufacture, or construction of the commodity.

(ii) "Sales technical data" is defined as data supporting a prospective or actual quotation, bid, or offer to sell, lease, or otherwise supply any commodity, plant or technical data, provided that:

(a) The commodity, plant or technical data are not (and are not related to) a commodity:

(1) Identified by the code letter "A" following the Export Control Commodity Number (ECCN) on the Commodity Control List (Supplement No. 1 to § 399.1), or

(2) Shown in Supplement Nos. 2 or 3 Part 370 (controlled by U.S. Department of State and Nuclear Regulatory Commission, respectively);

(b) The technical data are of a type customarily transmitted with a prospective or actual quotation, bid, or offer (in accordance with established business practice); and

(c) The export will not disclose the detailed design, production, or manufacture, or the means of reconstruction, of either the quoted item or its product. Similarly, a quotation, bid, or offer for technical data or services must not disclose the detailed technical process involved.

Note.—Neither this authorization nor its use means that the U.S. Government intends, or is committed, to approve an export license application for any commodity, plant or technical data that may be the subject of the transaction to which such quotation, bid, or offer relates. Exporters are advised to include in any quotations, bids, or offers and in any contracts entered into pursuant to such quotations, bids, or offers, a provision relieving themselves of liability in the event that an export license (when required) is not approved by the Office of Export Administration.

(iii) For definitions relating to computer software, see Advisory Note 12 in Supplement No. 3 to Part 379.

(2) No technical data may be exported under this general license to Country Groups Q, W, or Y or to Afghanistan, except:

(i) Software that is not explicitly controlled in Supplement No. 3 to Part 379, or that is not related to any commodity controlled for national security or nuclear non-proliferation reasons on the Commodity Control List, or that is not related to any commodity/technical data listed in paragraphs (c) or (d) of this section.

(ii) "Operation technical data" defined in paragraph (b)(1)(i) of this section, including software in object code explicitly listed in Supp. No. 3 to part 379 and described on the license application for the commodity.

(iii) "Sales technical data" defined in paragraph (b)(1)(ii) of this section.

(3) The following technical data may be exported under this general license to Country Groups T and V, *except* to the People's Republic of China:

(i) "Sales technical data", as defined in paragraph (b)(1)(ii) of this section, but including "sales technical data" for a commodity identified by the code letter "A" following the Export Control Commodity Number (ECCN) on the Commodity Control List; and

(ii) "Operation technical data" as defined in paragraph (b)(1)(i) of this section, but including "operation technical data", for commodities listed in paragraphs (c) and (d) of this section.

(4) The following technical data may be exported under this general license to the People's Republic of China:

(i) "Operation technical data" as defined in paragraph (b)(1)(i) of this section;

(ii) "Sales technical data" as defined in paragraph (b)(1)(ii) of this section.

6. Section 379.4 is amended by removing the word "and" from the end of paragraph (d)(15); redesignating paragraph (d)(16) as (d)(19); and adding (d)(16), (17) and (18), reading as follows:

§ 379.4 General license GTDR: Technical data under restriction.

(d) * * *

(16) Technical data for metal-working manufacturing processes and specially designed "software" therefor;

(i) The following are definitions of terms used in this paragraph (d)(16):

(A) "Hot die forging" is a deformation process where die temperatures are at the same nominal temperature as the workpiece and exceed 850 K (577 °C, 1,070 °F);

(B) "Superplastic forming" is a deformation process using heat for metals that are normally characterized by low values of elongation (less than 20%) at the breaking point as determined at room temperature by conventional tensile strength testing, in order to achieve elongations during processing that are at least 2 times those values;

(C) "Diffusion bonding" is a solid-state molecular joining of at least two separate metals into a single piece with a joint strength equivalent to that of the weakest material;

(D) "Metal powder compaction" is a process capable of yielding parts having a density of 98% or more of the theoretical maximum density;

(E) "Direct-acting hydraulic pressing" is a deformation process that uses a fluid-filled flexible bladder in direct contact with the workpiece;

(F) "Hot isostatic densification" is a process of pressurizing a casting at temperatures exceeding 375 K (102 °C, 215.6 °F) in a closed cavity through various media (gas, liquid, solid particles, etc.) to create equal force in all directions to reduce or eliminate internal voids in the casting;

(G) "Vacuum hot pressing" is a process that uses a press with heated dies to consolidate metal powder under reduced atmospheric pressure into a part;

(H) "High pressure extrusion" is a process yielding a single-pass reduction ratio of 4 to 1 or greater in a cross sectional area of the resulting part;

(I) "Isostatic pressing" is a process that uses a pressurizing medium (gas, liquid, solid particles, etc.) in a closed cavity to create equal force in all directions upon a metal powder-filled container for consolidating the powder into a part.

(ii) Technical data covered by paragraph (d)(16) is as follows:

(A) Technical data for the design of tools, dies and fixtures specially designed for the following processes:

- (1) "Hot die forging";
- (2) "Superplastic forming";
- (3) "Diffusion bonding";

¹Section 376.10(a)(1)(vii) requires exporters of digital computer equipment to describe on their license application any software, including that shipped under General License GTDR, to be used with the equipment.

- (4) "Metal powder compaction" using:
- (i) "Vacuum hot pressing";
- (ii) "High-pressure extrusion"; or;
- (iii) "Isostatic pressing";
- (5) "Direct-acting hydraulic pressing";
- (B) Technical data consisting of

process parameters as listed below used to control:

- (1) "Hot die forging":
- (i) Temperature;
- (ii) Strain rate;
- (2) "Superplastic forming" of aluminum alloys, titanium alloys and superalloys:
- (i) Surface preparation;
- (ii) Strain rate;
- (iii) Temperature;
- (iv) Pressure;
- (3) "Diffusion bonding" of superalloys and titanium alloys:
- (i) Surface preparation;
- (ii) Temperature;
- (iii) Pressure;

- (4) "Metal powder compaction" using:
- (i) "Vacuum hot pressing":
- (a) Temperature;
- (b) Pressure;
- (c) Cycle time;
- (ii) "High-pressure extrusion":
- (a) Temperature;
- (b) Pressure;
- (c) Cycle time;
- (iii) "Isostatic pressing":
- (a) Temperature;
- (b) Pressure;
- (c) Cycle time;
- (5) "Direct-acting hydraulic pressing"

- of aluminum alloys and titanium alloys:
- (i) Pressure;
- (ii) Cycle time;
- (6) "Hot isostatic densification" of titanium alloys, aluminum alloys and superalloys:
- (i) Temperature;
- (ii) Pressure;
- (iii) Cycle time;

- (17) Technical data for floating drydocks, limited to the following:
- (i) That portion of the design of a floating dock covered by ECCN 1425A(a) that relates to the

- incorporation of the three types of facilities described in the Note to ECCN 1425A(a); and
- (ii) Design, production and use of on-board floating dock facilities covered by ECCN 1425A(b) that permit the

- operation, maintenance and repair of nuclear reactors;
- (18) Data bases generated by the use of equipment controlled by ECCN 1363A; and

- (19) * * *

- 7. Section 379.4(f)(1) is amended by enclosing the second sentence of paragraph (i)(a) in parentheses and by revising paragraphs (i)(b), adding (i)(k), and revising (ii)(b) to read as follows:

- (i) That portion of the design of a floating dock covered by ECCN 1425A(a) that relates to the

- incorporation of the three types of facilities described in the Note to ECCN 1425A(a); and
- (ii) Design, production and use of on-board floating dock facilities covered by ECCN 1425A(b) that permit the

- operation, maintenance and repair of nuclear reactors;
- (18) Data bases generated by the use of equipment controlled by ECCN 1363A; and

- (19) * * *

- 7. Section 379.4(f)(1) is amended by enclosing the second sentence of paragraph (i)(a) in parentheses and by revising paragraphs (i)(b), adding (i)(k), and revising (ii)(b) to read as follows:

- (i) That portion of the design of a floating dock covered by ECCN 1425A(a) that relates to the

§ 379.4 General license GTDR: Technical data under restriction.

- (f) Written assurance requirements.
- (1) * * *
- (i) * * *

- (b) Pyrolytically-derived materials formed on a mold, mandrel or other substrate from precursor gases that decompose in the 1,573K (1,300 °C) to 3,173K (2,900 °C) temperature range at pressures of 133.3 Pa to 19,995 kPa (including the composition of precursor gases, flow rates, and process control schedules and parameters);

- (k) Technical data/software specifically identified in ECCN 1391A. (Operation software defined by § 379.4(b)(1) shall be described in the license applications for these commodities.);

- (l) Technical data for the design and production (except assembly and testing) of two-axis numerical control units with an "embedded" computer;

- (ii) * * *

- (b) Sales technical data supporting a price quotation as authorized in § 379.4(b) (3) and (4).

- 8. Paragraph (g) of § 379.4 is revised to read as follows:

- "(g) Software and other technical data listed under ECCN 1391A on the Commodity Control List may be exported or reexported under General License GTDR only to Country Groups T & V, except Afghanistan and the People's Republic of China, subject to the written assurance requirements contained in § 379.4(f)(1)(i)(k). Such software and technical data require a validated license for export to any other Country Group. The export or reexport of all other software and technical data listed under any other ECCN on the Commodity Control List requires a validated license to any Country Group."

- 9. Supplement No. 3 to Part 379, Computer Software, is amended by adding a paragraph (d), reading as follows:

- Supplement No. 3—Computer Software
- * * *

- List of Software Subject to this Supplement to Part 379
- * * *

- (d) "Specially designed software" for the following:

- (1) Technical data described in paragraph (d)(18) of § 379.4 for metal-working manufacturing processes;

- (2) Spin-forming and flow-forming machines controlled under ECCN 1075A;

- (3) Equipment, tooling and fixtures controlled under ECCN 1080A for the

- manufacturing or measuring of gas turbine blades or vanes;

- (4) Equipment, tools, dies, molds and fixtures controlled under ECCN 1081A for the manufacture or inspection of aircraft, airframe structures, or aircraft fasteners;

- (5) Equipment, tools, dies, molds, fixtures and gauges controlled under ECCN 1086A for the manufacture or inspection of aircraft and aircraft-derived gas turbine engines;

- (6) Electric vacuum furnaces controlled under ECCN 1203A;

- (7) Electric arc devices controlled under ECCN 1206A;

- (8) Metal rolling mills controlled under ECCN 1305A;

- (9) Isostatic presses controlled under ECCN 1312A;

- (10) Equipment controlled under ECCN 1354A for the manufacture or testing of printed circuit boards;

- (11) Equipment controlled under ECCN 1357A for the production of fibers controlled by ECCN 1763A, or their composites;

- (12) Equipment controlled under ECCN 1358A for the manufacture or testing of devices and assemblies controlled under ECCN 1568A and ECCN 1572A;

- (13) Test facilities and equipment controlled under ECCN 1361A for the design or development of aircraft or gas turbine aero-engines;

- (14) Water tunnel equipment controlled under ECCN 1363A, including software that contains databases generated by the use of equipment controlled under that ECCN;

- (15) Equipment controlled under ECCN 1365A specially designed for in-service monitoring of acoustic emissions in airborne vehicles or underwater vehicles;

- (16) Machine tools controlled under ECCN 1370A for generating optical quality surfaces;

- (17) Computer-controlled pumping and flooding systems that will permit the docking of listing vessels when used with floating docks controlled under ECCN 1425A;

- (18) Design and production of aircraft and helicopter airframes and propulsion systems controlled under ECCN 1460A;

- (19) Integration software for integrated flight instrument systems, automatic pilots, inertial or other equipment using accelerometers or gyros controlled under ECCN 1485A;

- (20) Marine or terrestrial acoustic or ultrasonic systems or equipment controlled under ECCN 1510A; and

- (21) Precision linear and angular measuring systems controlled under ECCN 1532A.

- PART 399—[AMENDED]

- 10. The authority citation for 15 CFR Part 399 continues to read as follows:

- Authority: Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.*, as amended by Pub. L. 97-145 of December 29, 1981 and by Pub. L. 99-64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 18, 1985).

- 10a. Paragraph (n) of § 399.1 is revised to read as follows:

- (n) * * *

§ 399.1 The Commodity Control List and how to use it.

(n) *Software and technical data.* Software and other technical data listed under CCL entries are controlled by the subject to the licensing requirements imposed under Part 379 of the Export Administration Regulations; see § 379.4. For computer-related terms, see ECCN 1565A.

Supplement No. 1 [Amended]

11. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group O, a Note is added under the heading "Metal-Working Machinery" after the existing Note, reading as follows:

Note.—Software and other technical data listed under CCL entries are controlled by and subject to the licensing requirements imposed under Part 379 of the Export Administration Regulations; see § 379.4. For computer-related terms, see ECCN 1565A.

12. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group O (Metal-Working Machinery) is amended by revising the *GLV \$ Value Limit* of ECCN 2018A to read "\$1,000 for Australia, Japan, New Zealand, and members of NATO; \$0 for all other destinations."

13. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group O (Metal-Working Machinery), ECCN 1075A is amended by adding a Note, removing paragraphs (a) and (b) and revising the heading and the *GLV \$ Value Limit*, as follows:

1075A Spin-forming and flow-forming machines specially designed or adapted for use with numerical or computer controls and specially designed components therefor.

Note.—For specially designed "software", see Supp. No. 3 to Part 379.

GLV \$ Value Limit: \$2,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

14. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group O (Metal-Working Machinery), ECCN 1080A is revised to read as follows:

1080A Specially designed equipment, tooling and fixtures for the manufacture or measuring of gas turbine blades or vanes; specially designed components and accessories therefor.

Note.—For "specially designed software" for use of the equipment, components and accessories, see Supp. No. 3 to Part 379.

Unit: Report machines in "number"; parts and accessories in "\$ value".

Validated License Required: Country Groups QSTVWYZ.

GLV \$ Value Limit: \$2,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

Processing Code: TE.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Specially Designed Equipment Controlled by ECCN 1080A

- (a) Blade or vane airfoil or root automatic measuring equipment;
- (b) Precision vacuum investment casting equipment, including core-making equipment;
- (c) Small-hole drilling equipment for producing holes having depths more than four times their diameter and less than 0.03 inch (0.76 mm) in diameter;
- (d) Directional solidification casting equipment and directional recrystallization equipment;
- (e) Segmented cast blade or vane bonding equipment;
- (f) Integral blade-and-disc casting equipment;
- (g) Blade or vane coating equipment, except furnaces, molten-metal baths and ion-plating baths;
- (h) Ceramic blade or vane molding and finishing machines;
- (i) Molds, cores and tooling for the manufacture and finishing of:
 - (1) Cast hollow turbine blades or vanes;
 - (2) Turbine blades or vanes produced by powder compaction;
 - (j) Composite metal turbine blade or vane molding and finishing machines; and
 - (k) Inertial blade or vane welding machines.

15. In Supplement No. 1 § 399.1 (the Commodity Control List), Commodity Group O (Metal-Working Machinery), ECCN 1081A is revised to read as follows:

1081A Specially designed or modified equipment, tools, dies, molds and fixtures for the manufacture or inspection of aircraft, airframe structures or aircraft fasteners; specially designed components and accessories therefor.

Note.—For "specially designed software" for the use of the equipment, components and accessories, see Supp. No. 3 to Part 379.

Unit: Report machines in "number"; parts and components in "\$ value."

Validated License Required: Country Groups QSTVWYZ.

GVL \$ Value Limit: \$2,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

Processing Code: TE.

Reason for Control: National security.
Special Licenses Available: See Part 373.

List of Machinery Controlled by ECCN 1081A

- (a) Equipment, tools, dies, molds or fixtures for:
 - (1) Hydraulic stretch forming;
 - (i) Whose machine motions or forces are digitally controlled or controlled by electrical analog devices; or
 - (ii) That are capable of thermal-conditioning the workpiece;
 - (2) Milling aircraft skins or spars;
 - (b) Tools, dies, molds or fixtures for:
 - (1) "Diffusion bonding";
 - (2) "Superplastic forming";
 - (3) "Hot die forging";
 - (4) Metal powder compaction by vacuum hot pressing, high-pressure extrusion or isostatic pressing;
 - (5) Direct-acting hydraulic pressing of aluminum alloys and titanium alloys;
 - (6) Manufacturing, inspecting, inserting or securing of specially designed high-strength aircraft fasteners.

Note.—1. For the definition of the processes and control of the metal-working manufacturing technologies mentioned in sub-paragraph (b), see § 379.4(d)(16).

(Advisory) *Note.*—2. Licenses are likely to be approved for export of equipment covered by sub-paragraph (a)(2) to satisfactory end-users in Country Groups QWY provided that the machinery does not present an improvement on machinery in production before the list of January of the year ten years preceding the year of the proposed export.

16. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group O (Metal-Working Machinery), ECCN 1086A is revised to read as follows:

1086A Specially designed or modified equipment, tools, dies, molds, fixtures and gauges for the manufacture or inspection of aircraft and aircraft-derived gas turbine engines; specially designed components and accessories therefor.

Note.—For "specially designed software" for the use of the equipment, components and accessories, see Supp. No. 3 to Part 379.

Unit: Report machines in "number"; parts and accessories in "\$ value."

Validated License Required: Country Groups QSTVWYZ.

GLV \$ Value Limit: \$2,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

Processing Code: TE.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Equipment Controlled by ECCN 1086A

(a) Equipment, tools, dies, molds, fixtures and gauges:

(1) For automated production inspection;

(2) For automated welding;

(b) Tools, dies, fixtures and gauges:

(1) For solid-state joining by inertial welding or thermal bonding;

(2) For manufacture and inspection of high-performance gas turbine bearings;

(3) For rolling specially configured rings such as nacelle rings;

(4) For forming and finishing turbine discs; and

(c) Compressor or turbine disc broaching machines.

17. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group O (Metal-Working Machinery) is amended by revising the *GLV \$ Value Limit* of ECCN 1086A to read "\$2,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations."

18. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group O (Metal-Working Machinery), ECCN 1091A is revised to read as follows:

1091A Numerical control units, numerically controlled machine tools, dimensional inspection machines, direct numerical control systems, specially designed sub-assemblies, and "specially designed software". (See section 376.11 for special information to include on the validated license application and reexport request.

Unit: Report machines in "number"; parts and accessories in "\$ value."

Validated License Required: Country Groups QSTVWYZ.

GLV \$ Value Limit: \$2,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

Processing Code: TE.

Reason for Control: National security; nuclear non-proliferation, except exports to those countries listed in Supplement Nos. 2 or 3 to Part 373.

Special Licenses Available: None for those dimensional inspection machines that, according to the manufacturer's technical specifications, can be equipped with controls defined in the List below of this ECCN 1091A. See Part 373 for special licenses that may be available for other commodities controlled by ECCN 1091A.

List of Commodities Controlled by ECCN 1091A

(a) Units for numerically controlling simultaneously coordinated (contouring

and continuous path) movements of machine tools and dimensional inspection machines in two or more axes, *except* those having all of the following characteristics:

(i) No more than two contouring interpolating (any mathematical function including linear and circular) axes can be simultaneously coordinated. Units may have:

(1) One or more additional axes for which rate of movement is not coordinated, varied or modulated with that of another axis;

(2) One additional set of two contouring axes provided a separate feed rate number, standard or optional, does not control more than any two contouring axes; or

(3) Two contouring axes switchable out of any number of axes;

(ii) Minimum programmable increment equal to or greater than 0.001 mm (0.00004 in.);

(iii) Interfaces limited as follows:

(1) No integral interface designed to meet ANSI/IEEE standard 488-1978, IEC publication 625-1, or any equivalent standard; and

(2) No more than two interfaces meeting EIA standard RS-232-C, or any equivalent standard;

(iv) On-line (real-time) modification of the tool path, feed rate and spindle data limited to the following:

(1) Cutter diameter compensation normal to the centerline path;

(2) Automatic acceleration and deceleration for starting, cornering and stopping;

(3) Axis transducer compensation including lead screw pitch compensation (measurements on one axis may not compensate another axis);

(4) Constant surface speed with or without limits;

(5) Spindle growth compensation;

(6) Manual feed rate and spindle speed override;

(7) Fixed and repetitive cycles (does not include automatic cut vector generation);

(8) Tool and fixture offset;

(9) Part program tape editing, excluding source program language and centerline location data (CLDATA);

(10) Tool length compensation;

(11) Part program storage;

(12) Variable pitch threading;

(13) Inch/metric conversion;

(14) Feed rate override based on spark voltage for electrical discharge machines;

(v) Word size equal to or less than 16 bits (excluding parity bit(s));

(vi) "Software"/"firmware", including "software"/"firmware" of any programmable unit or device furnished, shall not exceed control unit functions

as provided in (i) to (v) above, and is restricted as follows:

(1) Only the following application programs can be furnished, which shall be executable without further compilation, assembly, interpretation, or processing, other than control unit parameter initialization, and memory storage loading, and each shall be supplied as an entity rather than in modular form:

(a) An operating program to allow the unit to perform its normal functions;

(b) One or more diagnostic programs to verify control or machine performance and permit localization of hardware malfunctions;

(c) A translator program with which the end-user can program the control-to-machine interface;

(2) Program documentation for application programs shall not contain the following:

(a) Listing of program instructions (*except* that necessary for diagnostics for routine hardware maintenance);

(b) Description of program organization or function beyond that required for program use and for maintenance of hardware with which these programs operate;

(c) Flow charts, logic diagrams or the algorithms employed (*except* those necessary for use of diagnostics for routine hardware maintenance);

(d) Any reference to specific memory storage locations (*except* those necessary for diagnostics for routine hardware maintenance);

(e) Any other information about the design or function of the "software" that would assist in the analysis or modification of all or part of the "software";

Notes.—1. For "digital computers" either "incorporated" in or "associated" with but not "embedded" in controllers, see ECCN 1565A.

2. For technical data relating to numerical control units, see § 379.4(f)(1)(i)(1).

(b) Machine tools and dimensional inspection machines that, according to the manufacturer's technical specifications, can be equipped with numerical control units covered by sub-item (a) above, *except*:

(i) Boring mills, milling machines, and machining centers having all of the following characteristics:

(1) Not more than three axes capable of simultaneously coordinated contouring motion, *i.e.*, the total number of linear plus rotary contouring axes cannot exceed three. (A secondary parallel contouring axis, *e.g.*, W axis on horizontal boring mills, is not counted in the total of three contouring axes.

A secondary rotary table, the centerline of which is parallel to the primary rotary table, is also not counted in the total of three contouring axes. Machines may have non-contouring parallel or non-contouring, non-parallel rotary axes in addition to the three axes capable of simultaneously coordinated contouring motion. Machines having the capability of being simultaneously coordinated in more than three axes are not excluded from control even if the numerical control unit attached to the machine limits it to three simultaneously coordinated contouring axes. For example, a machine with a control unit switchable between any three out of four contouring axes is not excluded from control;

(2) Maximum slide travel in any axis equal to or less than 3,000 mm (120 in.);

(3) Spindle drive motor power equal to or less than 35 kw (47 hp);

(4) Single working spindle (the machine may have multiple tool heads or turrets as standard or optional, but only one working spindle may be operative at a time). A spindle capable of driving a multiple drill head is considered as a single spindle;

(5) Axial and radial axis motion measured at the spindle axis in one revolution of the spindle equal to or greater than $D \times 2 \times 10^{-5}$ mm TIR (peak-to-peak) where D is the spindle diameter in mm;

(6) An incremental positioning accuracy equal to or greater (coarser) than ± 0.002 mm in any 200 mm of travel (± 0.00008 in. in any 8.0 in. of travel);

(7) Overall positioning accuracy in any axis equal to or greater (coarser) than:

(a) ± 0.01 mm (0.0004 in.) for machines with total length of axis travel equal to or less than 300 mm (12.0 in.);

(b) $\pm [0.01 + (0.0025/300 \times (L-300))] \text{ mm}$ (with L expressed in mm) ($0.0004 + (0.0001/12 \times (L-12)) \text{ in.}$) (with L expressed in inches) for machines with a total length of axis travel, L, greater than 300 mm (12 in.) and equal to or less than 3,300 mm (130.0 in.);

(c) ± 0.035 mm (0.0014 in.) for machines with a total length of axis travel greater than 3,300 mm (130.0 in.);

Note.—Positioning accuracy is that accuracy that would be obtained in a temperature-controlled environment of $20 \pm 2^\circ \text{C}$ with any mechanical compensation techniques shipped with the machine or any electronic compensation described in sub-item (a)(iv). Positioning accuracy of machines shipped without numerical control units will be that attained with a control unit used during checkout of the machine and with feedback systems identical to those that will be used with the machine, or by accuracy previously obtained with an identical

machine and feedback system and control unit that will be connected to the machine.

(ii) Machine tools (other than boring mills, milling machines and machining centers described in (i) above) and dimensional inspection machines, having all of the following characteristics:

(1) Radial axis motion measured at the spindle axis equal to or greater than 0.0008 mm (0.00003 in.) TIR (peak-to-peak) in one revolution of the spindle (for lathes, turning machines, contour grinding machines, etc);

(2) Meeting the requirements of (i)(1), (i)(6) and (i)(7) above;

(For high precision turning machinery, see also ECCN 1370A.)

(c) "Direct numerical control systems" (DNC) consisting of a dedicated stored program computer acting as a host computer and controlling, on-line or off-line, one or more numerically controlled machine tools or inspection machines, as defined in sub-item (b) above, related "software", and interface and communication equipment for data transfer between the host computer memory, the interpolation functions, and the numerically controlled machine tools;

(d) Specially designed sub-assemblies and "software" that, according to the manufacturer's technical specifications, can upgrade the capabilities of numerical control units and machine tools so that they become controlled by sub-items (a), (b) or (c) above.

Note.—Specially designed printed circuit board sub-assemblies are controlled by this sub-item.

(For machine tool parts and components, see also ECCN 1093A.)

Technical Notes.—1. "Numerical control" is defined as the "automatic control of a process performed by a device that makes use of numeric data usually introduced as the operation is in progress".

2. "Contouring control" is defined as "two or more numerically controlled motions operating in accordance with instructions that specify the next required position and the required feed rates to that position. These feed rates are varied in relation to each other so that a desired contour is generated".

3. For computer-related terms, see ECCN 1565A.

4. A "direct numerical control system" (DNC) is defined as "a system connecting a set of numerically controlled machines to a common memory for part program or machine program storage with provision for on-demand distribution of data to the machines".

5. Axis nomenclature shall be in accordance with international standard ISO 841, "Numerical Control Machines—Axis and Motion Nomenclature".

6. The value of the positioning accuracy does not include the width of backlash. The

value is determined by the usual statistical methods (random tests), i.e., by approaching from only one direction a minimum of 5 measurement points up to a maximum of 25 measurement points as random tests along one axis. National standards may be used for this measuring method.

(Advisory) Notes.—1: Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of numerical control units that have all of the following characteristics to non-aerospace, non-nuclear civil end-users, when the numerical control units are either exported by themselves or exported with equipment excluded from control by sub-item (b) above:

(a) No more than three contouring interpolating (any mathematical function including linear and circular) axes can be simultaneously coordinated (units may be capable of controlling one or more additional axes for which rate of movement is not coordinated), varied or modulated with that of another axis;

(b) Meeting the requirements of sub-items (a)(i) to (vi) above.

2: Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY for the shipment of floor-type horizontal boring mills covered by sub-item (b)(i) above to non-aerospace civil end-users for civil end-uses, provided that all of the following conditions are met:

(a) Maximum transverse (X-axis) travel equal to or less than 15,000 mm (600.0 in.);

(b) Maximum vertical (Y-axis) travel equal to or less than 5,000 mm (200.0 in.);

(c) Maximum (Z-axis) travel equal to or less than 3,000 mm (120.0 in.);

(d) Spindle-drive motor power equal to or less than 75 kW (100 hp);

(e) Meeting the requirements of sub-items (b)(i)(1) and (b)(i)(4) to (7) above.

(Advisory) Note for the People's Republic of China.—Licenses are likely to be approved for export to satisfactory end-users, other than nuclear or aerospace, in the People's Republic of China for numerically controlled machine tools, dimensional inspection machines, specially designed sub-assemblies, and specially designed software, as follows:

(a) Numerical control units having all of the following characteristics that are exported separately from, or with equipment permitted by paragraph (b) below:

Note.—Numerical control units exported separately from equipment must be for use with and specially configured for equipment permitted by paragraph (b) below. For example, exports of numerically controlled units are not covered by this Note if they are to be interfaced to inspection machines or tools with two linear Simultaneously Coordinated Contouring (SCC) axes and two rotary SCC axes. (Before exporting under this provision, exporters must submit specifications of equipment to which the numerical control tools will be interfaces).

(1) No more than four (4) contouring interpolating (any mathematical function including linear and circular) axes can be simultaneously coordinated. (Units may be capable of controlling one or more additional axes in which the

rate of movement is not coordinated, varied, or modulated with that of another axis. Units may also be capable of controlling up to four (4) additional axes, provided that separate feedrate numbers, standard or optional, do not control more than any four (4) contouring axes);

(2) Minimum programmable increment equal to or greater than 0.001 mm (0.00004 in.);

(3) Interfaces as follows:

(i) No integral interface designed to meet ANSI/IEEE standard 488-1978, IEC publication 625-1, or any equivalent standard; and

(ii) Unlimited number of interfaces meeting EIA standard RS-232-C or any equivalent standard.

(4) On-line (real-time) modification of the tool path, feedrate, and spindle data limited to the following:

(i) Cutter diameter compensation normal to the center line path;

(ii) Automatic acceleration and deceleration for starting, cornering, and stopping;

(iii) Axis transducer compensation including lead screw pitch compensation (measures on one axis may not compensate another axis);

(iv) Constant surface speed with or without limits;

(v) Spindle growth compensation;

(vi) Feedrate and spindle speed override;

(vii) Fixed and repetitive cycles (including automatic cut vector generation);

(viii) Tool and fixture offset;

(ix) Part program tape editing, including source program language and centerline location data (CLDATA);

(x) Tool length compensation;

(xi) Part program storage;

(xii) Variable pitch threading;

(xiii) Inch/metric conversion; and

(xiv) Feedrate override based on spark voltage for electrical discharge machines;

(5) Word size not exceeding 16 bits (excluding parity bits);

(6) Software/firmware, including software/firmware of any programmable unit or device furnished, not exceeding control unit function as provided in (a)(1) through (a)(5) of this Note, and restricted as follows:

(i) Application programs executable without further compilation, assembly, interpretation, or processing, other than control unit initialization, and memory storage loading, and each supplied as an entity rather than in modular form, as follows:

(A) One operating program to perform its normal functions;

(B) One or more diagnostic programs to verify control or machine

performance and to localize hardware malfunctions; and

(C) One translator program for programming the control-to-machine interface.

(ii) Documentation for application programs not containing the following:

(A) Program listings (except that necessary for diagnostics for routine hardware maintenance);

(B) Program organization or function descriptions beyond that required for use and maintenance of exported hardware and software;

(C) Flow charts, logic diagrams, or algorithms employed (except that necessary for use of diagnostics for routine hardware maintenance);

(D) Any reference to specific memory storage locations (except those necessary for diagnostics for routine hardware maintenance); and

(E) Any other information that would assist in the analysis or modification of all or part of the software.

(b) Machine tools and dimensional inspection machines normally and usually equipped with numerical control units described by paragraph (a) above, as follows:

(1) Boring mills, milling machines, and machining centers having all of the following characteristics:

(i) Not more than four (4) axes capable of simultaneously coordinated contouring motion, of which no more than three (3) axes shall be linear and no more than one (1) axis shall be rotary;

Note.—A secondary contouring axis, parallel with a primary axis, e.g., W-axis on horizontal boring mills, is not counted in the total of four (4) contouring axes. A secondary rotary table with the centerline parallel to the primary rotary table is also not counted in the total of four (4) contouring axes. Machines may have non-contouring parallel and/or non-contouring, non-parallel rotary axes in addition to the four (4) contouring axes.

(ii) Maximum transverse (X-axis) travel equal to or less than 20,000 mm (800.0 inches);

(iii) Maximum vertical (Y-axis) travel equal to or less than 5,000 mm (200.0 inches);

(iv) Maximum horizontal (Z-axis) travel equal to or less than 3,000 mm (120.0 inches);

(v) Unlimited spindle drive motor power;

(vi) Not more than two (2) simultaneously working spindles (the machine may have multiple tool heads or turrets. A spindle capable of driving a multiple drill head is considered as a single spindle);

(vii) Axial and radial axis motions measured at the spindle axis in one

revolution of the spindle equal to or greater than $D \times 2 \times 10^{-5}$ mm (peak-to-peak) where D is the spindle diameter in mm (or $D \times 2 \times 10^{-5}$ in. TIR with D in inches);

(viii) An incremental positioning accuracy equal to or greater (coarser) than ± 0.002 mm (0.00008 inches) in any 200 mm (8.0 inches) of travel;

(ix) An overall positioning accuracy in any axis equal to or greater (coarser) than:

(A) ± 0.003 mm (± 0.0001 in.) for machines with a total axis travel equal to or less than 300 mm (12.0 inches);

(B) $\pm (0.003 + [0.001/300 \times (L-300)])$ mm (with the total axis travel, L, measured in mm) or $\pm (0.0001 + [0.00004/12 \times (L-12)])$ in. (with L measured in inches) for machines with a total axis travel greater than 300 mm (12 in.) but equal to or less than 3,300 mm (130.0 inches);

(C) ± 0.013 mm (± 0.0005 in.) for machines with a total axis travel greater than 3,300 mm (130.0 inches).

(2) Machine tools (other than boring mills, milling machines and machining centers described in paragraph (b)(1) above) and dimensional inspection machines, having all of the following characteristics:

(i) Not more than four (4) axes capable of simultaneously coordinated contouring motion, of which no more than three axes shall be linear and no more than one axis shall be rotary;

Note.—Up to four (4) secondary contouring axes parallel with the primary axis but not simultaneously coordinated with the four (4) primary axes may be permitted.

(ii) No more than two (2) simultaneously working spindles (the machine may have multiple tool heads or turrets);

(iii) Radial axis motion measured at the spindle axis equal to or greater than 0.0008 mm TIR (0.00003 inches TIR) (peak-to-peak) in one revolution of the spindle (for lathes, turning machines, contour grinding machines, etc.);

(iv) An incremental positioning accuracy equal to or greater (coarser) than ± 0.002 mm (± 0.00008 inches) in any 200 mm (8.0 inches) of travel;

(v) An overall positioning accuracy in any axis equal to or greater (coarser) than:

(A) ± 0.005 mm (± 0.0002 inches) for machines with a total axis travel equal to or less than 300 mm (12.0 inches);

(B) $\pm (0.005 + [0.002/300 \times (L-300)])$ mm (with the total axis travel, L, measured in mm) or $\pm (0.0002 + [0.00008/12 \times (L-12)])$ inches (with L measured in inches) for machines with a total axis travel greater than 300 mm (12.0 inches)

but equal to or less than 3,300 mm (130.0 inches);

(C) ± 0.025 mm (± 0.001 inches) for machines with a total travel greater than 3,300 mm (130.0 inches).

19. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group O (Metal-Working Machinery) is amended by revising the *GLV \$ Value Limit* of ECCN 1093A to read "\$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations."

20. In Supplement No. 1 to § 399.1 (the Commodity Control List), a Note is added under the title of Commodity Group 1 (Chemical and Petroleum Equipment) following the existing Note, reading as follows:

Note.—Software and other technical data listed under CCL entries are controlled by and subject to the licensing requirements imposed under Part 379 of the Export Administration Regulations; see § 379.4. For computer-related terms, see ECCN 1565A.

21. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 1 (Chemical and Petroleum Equipment), ECCN 1110A is amended by revising the heading and the *GLV \$ Value Limit*, as follows:

1110A Equipment for the production of liquid fluorine, and specially designed components therefor.

GLV \$ Value Limit: \$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

22. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 1 (Chemical and Petroleum Equipment) is amended by revising the *GLV \$ Value Limit* of ECCN 1118A to read "\$1,000 for Australia, Japan, New Zealand, and members of NATO (except that there is no limit on exports to Canada); \$0 for all other destinations."

23. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 1 (Chemical and Petroleum Equipment) is amended by revising the *GLV \$ Value Limit* of ECCN 2120A to read "\$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations."

24. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 1 (Chemical and Petroleum Equipment) is amended by revising the *GLV \$ Value Limit* of ECCN 4127B to read "\$1,000 for Country Groups T & V; \$0 for all other destinations."

25. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 1 (Chemical and Petroleum

Equipment) is amended by revising the heading of ECCN 4128B to read as follows:

4128B Pipes, valves, fittings, heat exchangers, or magnetic, electrostatic or other collectors made of graphite or coated in graphite, yttrium or yttrium compounds resistant to the heat and corrosion of uranium vapor.

26. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 1 (Chemical and Petroleum Equipment), ECCN 1129A is revised to read as follows:

1129A Vacuum pump systems and specially designed components, controls and accessories therefor.

Controls for ECCN 1129A

Unit: Report pumps, valves, cocks, and regulators in "number"; parts, controls and accessories in "\$ value."

Validated License Required: Country Groups QSTVWYZ.

GLV \$ Value Limit: \$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

Processing Code: TE.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Equipment Controlled by ECCN 1129A

(a) Cryopump systems (*i.e.*, systems in which the circulation of cooled or liquefied gas is used to achieve a vacuum, static or dynamic, by lowering the temperature of the environment) designed to operate at temperatures of less than -200°C (-328°F) measured at atmospheric pressure; and

(b) Vacuum pump systems capable of evacuating a chamber of volume greater than one (1) liter to pressures below 10^{-6} torr (1.3×10^{-6} pascals) while the temperature in the chamber is maintained above 800°C ($1,472^{\circ}\text{F}$).

27. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 1 (Chemical and Petroleum Equipment) is amended by revising the *GLV \$ Value Limit* of ECCN 1131A to read "\$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations."

28. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 1 (Chemical and Petroleum Equipment) is amended by revising the *GLV \$ Value Limit* of ECCN 1133A to read "\$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations."

29. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity

Group 1 (Chemical and Petroleum Equipment) is amended by revising the *GLV \$ Value Limit* of ECCN 1142A to read "\$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations."

30. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 1 (Chemical and Petroleum Equipment) is amended by revising the *GLV \$ Value Limit* of ECCN 1142A to read "\$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations."

31. In Supplement No. 1 to § 399.1 (the Commodity Control List), a Note is added under the title of Commodity Group 2 "Electrical and Power-Generating Equipment" following the existing Note, reading as follows:

Note.—Software and other technical data listed under CCL entries are controlled by and subject to the licensing requirements imposed under Part 379 of the Export Administration Regulations; see § 379.4. For computer-related terms, see ECCN 1565A.

32. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 2 (Electrical and Power-Generating Equipment), ECCN 1203A is amended by revising the heading and adding a Note, reading as follows:

1203A Electric vacuum furnaces, specially designed components and controls therefor.

Note.—For "specially designed software" for the use of such furnaces, components or controls, see Supp. No. 3 to Part 379.

33. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 2 (Electrical and Power-Generation Equipment) is amended by revising the *GLV \$ Value Limit* of ECCN 4203B to read "\$2,000 for Country Groups T, V and Q; \$0 for all other destinations."

34. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 2 (Electrical and Power-Generation Equipment), ECCN 1205A is amended by revising the *GLV \$ Value Limit* and List of Electromechanical . . . Devices Controlled by ECCN 1205A, as follows:

1205A Electrochemical, semiconductor and radioactive devices for the direct conversion of chemical, solar, or nuclear energy to electrical energy.

GLV \$ Value Limit: \$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

List of Electromechanical, Semi-Conductor, and . . . Controlled by ECCN 1205A

(a) Electro-chemical devices, as follows, and specially designed components therefor:

(1) Fuel cells operating at temperatures of 523 °K (250 °C, 482 °F) or less, including regenerative cells, i.e., cells for generating electric power, to which all the consumable components are supplied from outside the cell;

Note.—The temperature of 523 °K or less is intended to refer to the fuel cell and not to the fuel conditioning equipment, which may be either an ancillary or an integral part of the fuel cell battery and which may operate at over 523 °K.

(2) Primary cells and batteries having any of the following characteristics:

(i) Possessing a means of activation and having an open circuit storage life in the unactivated condition, at a temperature of 294 °K (21 °C, 70 °F) of 10 years or more;

(ii) Silver-zinc reserve batteries possessing a means of activation and having an open circuit storage life in the unactivated condition, at a temperature of 249 °K (21 °C, 75 °F), or 3 years or more;

(iii) Utilizing a lithium anode with lithium salt solute in organic solvent (non-aqueous) electrolyte and having an energy density at the 24-hour discharge rate of greater than 100 Watt-hours per pound at 297 °K (24 °C, 75 °F) and greater than 35 Watt-hours per pound at 244 °K (−29 °C, −20 °F). (Energy density is obtained by multiplying the average power in watts (average voltage times average current in amperes) by the duration of the discharge in hours to 90 percent of the initial load voltage and dividing by the total weight of the cell (or battery) in pounds. As regards secondary (rechargeable) batteries, energy density is measured after 500 charge/discharge cycles.)

(3) Molten salt electrolyte cells and batteries that normally operate at temperatures of 773 °K (500 °C, 932 °F) or below.

(b) Photo-voltaic cells as follows, and specially designed components therefor:

(1) With a power output of 14 mW or more per sq. cm under 100 mW per sq. cm tungsten 2,800 °K (2,527 °C, 4,581 °F) illumination;

(2) All gallium arsenide photo-voltaic cells excluding those having a power output of less than 4 mW measured by the above technique; or

(3) With a power output of 450 mW or more per sq. cm under 10 Watts per sq. cm silicon carbide 1,750 °K (1,477 °C, 2,691 °F) illumination;

(4) Electromagnetic (including laser) and ionized particle radiation resistant; (c) Power sources based on radioactive materials systems other than nuclear reactors, except:

(1) Those having an output power of less than 0.5 Watt and a total weight (force) of more than 890 N (90.7 kg, 200 lb); or

(2) Those specially designed and developed for medical use within the human body.

Notes.—1. See also ECCN 1570A.

2. This ECCN does not control the following cells and power source devices, and specially designed components therefor (nothing in this Note shall be construed as sanctioning the export of technology for such cells, power source devices or specially designed components):

(a) Fuel cells controlled by sub-item (a)(1) above with a maximum output power greater than 10 kW that use gaseous pure hydrogen and oxygen/air reactants, alkaline electrolyte and a catalyst support by carbon either pressed on a metal mesh electrode or attached to a conducting porous plastic;

(b) Primary cells and batteries covered by sub-item (a)(2)(iii) above that are specially designed for consumer applications in watches, pacemakers, calculators and hearing aids;

(c) Power source devices covered by sub-item (c) above that have an output power of 0.5 W or more and an overall efficiency of 8% or less. (Overall efficiency is obtained by dividing the electrical output, expressed in watts, by the thermal input, expressed in watts. It is understood that this efficiency is to be measured at the beginning of life.)

35. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 2 (Electrical and Power-Generating Equipment), ECCN 1206A is amended by revising the heading, adding a Note, and revising the *GLV \$ Value Limit* to read as follows:

1206A Electric arc devices for generating a flow of ionized gas in which the arc column is constricted (except devices wherein the flow of gas is for isolation purposes only and devices of less than 100 kW for cutting, welding, melting, plating or spraying); equipment incorporating such devices; specially designed components, accessories and control or test equipment.

Note.—For specially designed "software" for the use of such devices, equipment, components, accessories, or control or test equipment, see Supp. No. 3 to Part 379.

GLV \$ Value Limit: \$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

36. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity

Group 2 (Electrical and Power-Generating Equipment) is amended by revising the *GLV \$ Value Limit* of ECCN 4261B to read "\$1,000 for Country Groups T & V; \$0 for all other destinations."

37. In Supplement No. 1 to § 399.1 (the Commodity Control List), a Note is added under the title of Commodity Group 3, "General Industrial Equipment" following the existing Note, reading as follows:

Note. Software and other technical data listed under CCL entries are controlled by and subject to the licensing requirements imposed under Part 379 of the Export Administration Regulations; see § 379.4. For computer-related terms, see ECCN 1565A.

38. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 3 (General Industrial Equipment), a new entry 1302A is added (in numerical order, disregarding the first digit), reading as follows:

1302A Specially designed nozzles for producing pyrolytically derived materials formed on a mould, mandrel or other substrate from precursor gases that decompose in the 1,573 K (1,300 °C) to 3,173 K (2,900 °C) temperature range at pressures of 133.3 Pa to 19,995 kPa.

Note.—For controls of related technical data, see § 379.4(f)(1)(i)(b).

Controls for ECCN 1302A

Unit: Report nozzles in "number".

Validated License Required: Country Groups QSTVWYZ.

GLV \$ Value Limit: \$500 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

Processing Code: TE.

Reason for Control: National security.

Special Licenses Available: None.

39. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 3 (General Industrial Equipment), ECCN 1305A is amended by revising the heading, adding a Note, revising the *GLV \$ Value Limit*, revising paragraphs (a) and (b), and adding a Technical Note reading as follows:

1305A Metal rolling mills; specially designed components, accessories and controls therefor.

Note.—For "specially designed software", see Supp. No. 3 to Part 379.

GLV \$ Value Limit: \$2,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

(a) Isothermal rolling mills, *except* those capable of operating only at ambient temperatures; and

(b) Other mills specially designed or redesigned for the rolling of metals and alloys with a melting point exceeding 1,900 °C (3,542 °F).

Technical Note.—In an isothermal rolling mill, a constant instantaneous temperature profile is maintained in the contact area between the workpiece and the rolls.

40. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 3 (General Industrial Equipment), ECCN 1312A is amended by revising the heading and adding a Note, as follows:

1312A Isostatic presses as follows, and specially designed dies and molds (except those used in isostatic presses operating at ambient temperatures), components, accessories and controls therefor.

Note.—For "specially designed software", see Supp. No. 3 to Part 379.

41. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 3 (General Industrial Equipment) is amended by revising the *GLV \$ Value Limit* of ECCN 2317A to read "\$2,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations."

42. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 3 (General Industrial Equipment) is amended by revising the *GLV \$ Value Limit* of ECCN 2319A to read "\$2,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations."

43. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 3 (General Industrial Equipment) ECCN 1352A is amended by revising the heading and the *GLV \$ Value Limit* to read as follows:

1352A Nozzles, dies and extruder barrels specially designed for the processing of the fluorocarbon materials covered by ECCN 1754A (a)(2).

GLV \$ Value Limit: \$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

44. In Supplement No. 1 to § 399.1 (the Commodity Control List), ECCN 1353A of Commodity Group 3 (General Industrial Equipment) is amended by revising the heading and the *GLV \$ Value Limit* to read as follows:

13453A Equipment specially designed for the manufacture of cable and optical fibers controlled by ECCN 1526A.

GLV \$ Value Limit: \$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

45. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 3 (General Industrial Equipment) ECCN 1354A is amended by revising the heading, adding a Note, and revising the *GLV \$ Value Limit* as follows:

1354A Equipment designed for the manufacture or testing of printed circuit boards as follows, and specially designed components and accessories therefor.

Note.—For "specially designed software", see Supp. No. 3 to Part 379.

GLV \$ Value Limit: \$2,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

46. In Supplement No. 1 to § 399.1 (the Commodity Control List), ECCN 1355A of Commodity Group 3 (General Industrial Equipment) is revised to read as follows:

1355A Equipment for the manufacture or testing of electronic components and materials; and specially designed components, accessories and "specially designed software" therefor.

Controls for ECCN 1355A

Unit: Report photographic plates in "sq. ft." when applicable; machinery and equipment in "number."

Validated License Required: Country Groups QSTVWYZ.

GLV \$ Value Limit: \$100 for commodities defined in paragraphs (b)(2)(i) and (ii) of the List below to Country Groups T & V, except \$0 for the People's Republic of China and Afghanistan; \$500 for other commodities to Country Groups T & V, except \$0 for the People's Republic of China and Afghanistan; \$0 for all other destinations.

Processing Code: EE.

Reason for Control: National security.

Special License Available: See Part 373.

List of Equipment Controlled by ECCN 1355A

(a) Equipment specially designed for the manufacture or testing of electron tubes, optical elements and specially designed components therefor

controlled by ECCNs 1541A, 1542A, 1555A, 1556A, 1558A or 1559A;

(b) Equipment specially designed for the manufacture or testing of the following semiconductor devices, microcircuits and assemblies, and systems incorporating or having the characteristics of such equipment:

(1) Equipment for the processing of materials for the manufacture of devices and components as specified in the heading of sub-paragraph (b), as follows:

Note.—Boron nitride crucibles and fixtures used in the preparation of semiconductor materials are considered to be specially designed accessories under this ECCN.

(i) Equipment for producing polycrystalline silicon controlled for export by ECCN 1757A(f) having a purity of 99.99% or greater in the form of rods (ingots, boules), pellets, sheets, tubes or small particles;

(ii) Equipment specially designed for purifying or processing III-V and II-VI semiconductor materials covered by ECCN 1757A, except crystal pullers, for which see paragraph (iii) below;

(iii) Crystal pullers, furnaces and gas systems, as follows:

(a) Types with specially designed "digitally controlled" temperature, power input or gas, liquid or vapor flow;

(b) Diffusion, oxidation and annealing furnaces for operation at pressures above 1 atmosphere (nominal);

(c) Annealing or re-crystallizing equipment other than constant temperature furnaces employing high rates or energy transfer capable of processing wafers at a rate greater than 50 square centimeters per minute;

(d) Plasma-enhanced or photo-enhanced chemical reactor equipment;

(e) Equipment for automatic control of crystal taper and diameter, *except* taper and diameter control mechanisms using any of the following equipment techniques:

(1) Radiation pyrometers;

(2) Thermocouples;

(3) RF power sensors;

(4) Mass weighing (without digital or anomaly control permitting the growth of semiconductors);

(f) Crystal pullers having any of the following characteristics:

(1) Rechargeable without replacing the crucible container;

(2) Capable of operation of pressures above or below 10⁵ pascals (1 atmosphere absolute);

(3) Capable of pulling crystals of a diameter greater than 76.2 mm (3 inches);

(4) Specially designed to minimize convection currents in the melt by the

use of magnetic fields or multiple crucibles;

(5) Capable of pulling sheet or ribbon crystals;

(Advisory Note.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of crystal pullers controlled for export by sub-paragraph (f)(2) above that can be operated at pressures up to 2.5×10^5 pascals (2.5 atmospheres absolute).)

(g) Vacuum induction-heated zone-refining equipment for operation at a pressure of 0.01 pascal or less;

(iv) Equipment for epitaxial growth of semiconductor materials having any of the following characteristics:

(a) Operation at pressures below 10^5 pascals (1 atmosphere absolute);

(b) "Digitally controlled";

(c) Rotating vertical-support, radiant-heated reactors;

(d) Specially designed for processing bubble memories;

(e) Metal-organic chemical vapor deposition reactors;

(f) For liquid phase epitaxy;

(v) Molecular beam epitaxial growth equipment;

(vi) "Magnetically-enhanced" sputtering equipment;

(Technical Note.—"Magnetically-enhanced" refers to equipment incorporating a cathode assembly having an integral magnetic structure for enhancing the plasma intensity.)

(vii) Equipment designed for ion implantation, or for ion-enhanced or photo-enhanced diffusion;

(viii) Equipment for selective or non-selective removal by dry methods of passivation layers, dielectrics, semiconductor materials, resists or metals, *except* horizontal, cylindrical plasma etchers without digital control, end-point detection, automatic loading or rotating mechanisms and not having the capability for parallel plate etching as used in semiconductor device manufacture;

(Note.—This sub-paragraph (viii) does not include vacuum sputtering equipment designed to operate in the sputter-etch mode.)

(ix) Equipment for semiconductor device fabrication operating below 10^5 pascals (1 atmosphere absolute) for the chemical vapor deposition of oxides, nitrides, metals and polysilicon;

(Note.—This sub-paragraph does not cover reactive-sputtering equipment.)

(x) Electron beam systems (including scanning electron microscopes), capable of mask making or semiconductor device processing and having any of the following characteristics:

(a) Electrostatic beam deflection;

(b) Shaped, non-Gaussian beam profile;

(c) Beam blanking capability;

(d) Digital-to-analog conversion rate greater than 3 MHz;

(e) Digital-to-analog conversion accuracy greater than 12 bits;

(f) Target-to-beam position feedback control precision of 1 micrometer or finer.

(Note.—This sub-paragraph does not cover electron beam deposition systems, and sub-paragraph (x)(c) above not cover scanning electron microscopes equipped for Auger analysis.)

(xi) Automatic sawing equipment, specially designed for the processing of semiconductor wafers and capable of slicing ingots of 3 inches (76.2mm) or greater in diameter;

(xii) Surface finishing equipment, specially designed for the processing of semiconductor wafers and having any of the following characteristics:

(a) Waxless or non-adhesive mounting;

(b) Double-sided simultaneous polishing or lapping;

(c) Capable of polishing and lapping wafers greater than 2 inches (50.8mm) in diameter;

(d) Lapping or polishing in two stages on the same machine;

(xiii) Interconnection equipment specially designed to permit the integration of equipment controlled for export by this ECCN into a complete system.

(2) Masks, mask substrates, mask-making equipment and image-transfer equipment for the manufacture of devices and components as specified in the heading of sub-paragraph (b) (Note: The term "masks" refers to those used in electron beam lithography, X-ray lithography, and for ultraviolet lithography, as well as the usual ultraviolet and visible photolithography.), as follows:

(i) Finished masks, reticles and designs therefor;

(ii) Hard surface (e.g. chromium, silicon, iron oxide) coated substrates (e.g. glass, quartz, sapphire) for the preparation of masks having dimensions greater than 76.2×76.2 mm (3×3 inches);

(iii) Computer-aided design (CAD) equipment for transforming schematic or logic diagrams into designs for producing semiconductor devices or microcircuits, having any of the following functions:

(a) Storage of pattern cells for subdivision of integrated circuits;

(b) Scaling, positioning or rotation of pattern cells;

(c) Interactive graphic capabilities;

(d) Design rule and circuit checking;

(e) Circuit layout modification of the arrangement of the elements;

(Note.—"Software" that performs any of the functions in this sub-paragraph (iii), or that can be used for transient analysis, for logic analysis or logic checking, for automatic routing or cell placement, for the generation of test vectors or for process simulation is "specially designed software" controlled for export by the heading of this ECCN.)

(iv) Mask fabrication machines using photo-optical methods as follows:

(a) Step and repeat cameras capable of producing arrays larger than 63.5×63.5 mm (2.5×2.5 inches), or capable of producing a single exposure larger than 3.75×3.75 mm (0.15×0.15 inches) in the focal plane, or capable of producing useful line widths of 3.5 micrometers or less;

(b) Pattern generators specially designed for the generation and/or manufacture of masks or the creation of patterns in photosensitive layers and with placement precision finer than 10 micrometers;

(c) Mask fabrication equipment containing automatic adjustment of focus or adjustment of the mask material into the focal plane;

(d) Equipment for altering masks or reticles to remove defects; (For electron-beam systems, see sub-paragraph (b)(1)(x) above.)

(v) Masks or reticle inspection equipment, as follows:

(a) For comparison with a precision of 0.75 micrometer or finer over an area of 63.5×63.5 mm (2.5×2.5 inches) or greater;

(b) "Digitally controlled" equipment with a resolution of 0.25 micrometer or finer and with a precision of 0.75 micrometer or finer over a distance in one or two coordinates of 63.5 mm (2.5 inches) or greater;

(c) "Digitally controlled" defect inspection equipment;

(Note.—Conventional scanning electron microscopes, except when specially designed and instrumented for automatic pattern inspection are not covered by this sub-paragraph (v).)

(vi) Align and expose equipment using photo-optical methods, including projection image transfer equipment, capable of performing any of the following functions;

(a) Production of a useful pattern size of less than 5 micrometers;

(b) Alignment with a precision finer than 1 micrometer;

(c) Field coverage greater than 76.2×76.2 mm (3×3 inches);

(d) Wafer backside alignment;

(e) Automatic alignment by the sensing of patterns or index marks on the substrate;

(f) Projection image transfer for processing slices (wafers) of 50.8 mm (2 inches) or greater in diameter;

(Note.—Non-contacting (proximity) image transfer equipment is covered only by these sub-paragraphs (a) to (e) above.)

(vii) Electron beam, ion beam, or X-ray equipment for projection image transfer (For laser equipment, see Technical Note 3 below.);

(viii) Photo-optical or non photo-optical step and repeat or partial field equipment for the transfer of the image onto the wafer;

(ix) Mask contact image transfer equipment for imaging a field greater than 76.2x76.2 mm (3x3 inches).

(3) "Digitally controlled" inspection equipment for the detection of defects in processed wafers, substrates or chips using optical pattern comparison or other machine scanning techniques (Note: Conventional scanning electron microscopes, except when specially designed and instrumented for automatic pattern inspection, are not covered by this sub-paragraph (3).);

(4) Specially designed "digitally controlled" measuring and analysis equipment, as follows:

(i) Specially designed for the measurement of oxygen or carbon content in semiconductor materials;

(ii) Equipment for concurrent etching and doping profile analysis (employing capacitance-voltage or current-voltage analysis techniques);

(iii) Equipment for line-width measurement with a resolution of 1.0 micrometer or finer;

(iv) Specially designed flatness measurement instruments capable of measuring deviations from flatness of 10 micrometers or less with a resolution of 1.0 micrometer or finer.

(5) Equipment for the assembly of microcircuits, as follows:

(i) "Digitally controlled" die (chip) mounters and bonders with a positioning accuracy finer than 50 micrometers, or incremental steps finer than 6.4 micrometers;

(ii) "Digitally controlled" wire bonders and welders for performing consecutive bonding operations;

(iii) Equipment for producing multiple bonds in a single operation (e.g., beam lead bonders, chip carrier bonders, tape bonders);

(iv) Semi-automatic or automatic hot cap sealers, in which the cap is heated locally to a higher temperature than the body of the package, specially designed for ceramic microcircuit packages controlled for export by ECCN 1564A11(b) and having a throughput equal to or greater than one package per minute.

(6) "Digitally controlled" wafer probing equipment, as follows:

(i) Positioning accuracy finer than 50 micrometers, or incremental steps finer than 6.4 micrometers.

(ii) Individual die location read-out (X-Y position information) during testing;

(iii) Capability of testing devices having more than a total of 24 terminals;

(iv) Automatic slice (wafer) alignment.

(7) Test equipment as follows (for standard test instruments, see ECCN 1529A):

(i) Computer-controlled equipment or equipment with a computer-management compatible interface specially designed for testing discrete semiconductor devices and unencapsulated dice, capable of performing any of the following functions:

(a) Measurement of time intervals of less than 10 nanoseconds;

(b) Measurement of parameters (e.g., f_T , S-parameters, noise figure) at frequencies greater than 250 MHz;

(c) Resolution of currents of less than 100 picoamperes;

(d) Measurement of spectral response at wavelengths outside the range from 450 to 950 nanometers;

Technical Note.—Discrete semiconductor devices include, for example, diodes, transistors, thyristors, photocells, and solar cells.

(ii) "Digitally controlled" equipment specially designed for testing microcircuits, and assemblies thereof, capable of performing any of the following functions:

(a) Functional (truth table) testing at a pattern rate greater than 2 MHz;

(b) Resolution of currents of less than 1 nanoampere;

(c) Testing of integrated circuits (not mounted on circuit boards) in packages having more than a total of 24 terminals (This sub-paragraph does not cover equipment specially designed for and dedicated to the testing of circuits not covered by ECCN 1564A.);

(d) Measurement of rise times, fall times and edge placement times with a resolution of less than 20 nanoseconds.

Technical Note.—1. The terms "microcircuit" and "assembly" are defined in ECCN 1564A.

Technical Note.—2. Test equipment that is not of a general-purpose nature and that is specially designed for, and dedicated to, testing assemblies or a class of assemblies for home and entertainment applications is not controlled by this sub-paragraph (b)(7) of ECCN 1355A.

Note.—Test equipment that is not of a general-purpose nature and that is specially designed for, and dedicated to, testing electronic components, assemblies, sub-

assemblies and microcircuits specifically excluded by ECCN 1564A is not controlled by this sub-paragraph, provided such test equipment does not incorporate computing facilities with user-accessible programming capabilities.

(iii) Equipment specially designed for determining the performance of focal-plane arrays at wavelengths greater than 1,200 nanometers, using "digitally controlled" measurements or computer-aided evaluation and having any of the following characteristics:

(a) Using scanning light spot diameters of less than 0.12 mm (0.005 inch);

(b) Designed for measuring photosensitive performance parameters and for evaluating frequency response, modulation transfer function, uniformity of responsivity or noise;

(c) Designed for evaluating arrays capable of creating images of greater than 32 x 32 line elements;

(iv) Specially designed for bubble memories;

(8) Class 10 filters capable of providing an environment of 10 or less particles of 0.3 micrometer or greater per cubic foot and filter materials therefor;

Note.—This sub-paragraph (b)(8) also controls such equipment used or modified for use in the manufacture of testing of other devices such as: imaging devices, electro-optical devices, acoustic-wave devices, film-memory devices.

Technical Note.—3. For equipment used in the manufacture and processing of semiconductors and semiconductor materials that is specially designed to employ lasers or laser technology, see ECCN 1522A.

Technical Note.—4. The term "digitally controlled" refers to automated equipment whose functions are partially or entirely controlled by stored, digitally coded, electrical signals. This does not include equipment with controls using the following:

(a) Cams and other purely mechanical means;

(b) Switches including thumbwheels switches;

(c) Plugboards;

(d) On-off and analog controllers;

(e) Diode matrices;

(f) Punched paper tape controllers without a capability to compute, manipulate or store and re-run program data.

Note for the People's Republic of China.—Licenses are likely to be approved for export to satisfactory end-users in the People's Republic of China of the following machinery and equipment:

(a) Equipment for deposition of electronic grade polysilicon defined in paragraph (b)(1)(i);

(b) All types of crystal pullers defined in paragraphs (b)(1)(ii) (a) through (f), except those that are rechargeable without opening, magnetic, or computer-controlled;

(c) All types of diffusion furnaces defined in paragraphs (b)(1)(iii) (a) through (f), except those types with computer feedback control;

(d) Vacuum induction-heated zone-refining equipment defined in paragraph (b)(1)(iii)(g);

(e) Manual type of magnetically-enhanced sputtering equipment defined in paragraph (b)(1)(vi);

(f) All types of equipment designed for ion implantation, or for ion-enhanced or photo-enhanced diffusion (paragraph (b)(1)(vii)), except those having raster scan techniques or an associated computer or those introduced after January 1, 1980;

(g) All barrel or barrel/planer types of dry-etching equipment defined in paragraph (b)(1)(viii);

(h) Low pressure chemical vapor deposition equipment defined in paragraph (b)(1)(ix);

(i) All automatic wafer sawing equipment defined in paragraph (b)(1)(xi);

(j) Wafer surface finishing equipment defined in paragraph (b)(1)(xii) that is for lapping and single side polishing;

(k) Hard surface coated substrates defined in paragraph (b)(2)(ii) that are 5x5 = inch or smaller;

(l) Computer-aided design (CAD) software for IC design controlled under ECCN 1355A that has been previously approved for export to China;

(m) Photo-optical mask fabrication equipment defined in paragraph (b)(2)(iv) that does not exceed the performance capabilities of U.S.-designed photolithographic step and repeat cameras and pattern generator systems introduced in volume into the market before December 31, 1976;

(n) Manual types of mask inspection equipment defined in paragraph (b)(2)(v);

(o) Photo-optical Contact and Proximity mask align and expose equipment defined in paragraph (b)(2)(vi), and projection aligners that can produce useful pattern sizes no finer than 3 micrometers;

(p) Contact image transfer equipment defined in paragraph (b)(2)(ix);

(q) Semiautomated types of digitally controlled wafer and chip inspection equipment defined in paragraph (b)(3);

(r) Auto wire and die bonders defined in paragraph (b)(5);

(s) Wafer probing equipment defined in paragraph (b)(6); and

(t) Analog test equipment TV circuits, OP AMPs and voltage regulatory; A/D and D/A circuit test equipment; and digital test equipment with test data rates of 10 MHz or less defined in paragraph (b)(7)(ii).

47. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 3 (General Industrial Equipment), ECCN 1356A is amended by revising the heading to read as follows:

1356A Equipment specially designed for the continuous coating of polyester-base magnetic tape subject to control under ECCN 1572A(d) or free from control under Exception 3 to ECCN 1572A, and specially designed components therefor.

48. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 3 (General Industrial Equipment), ECCN 1357A is amended by revising the *GLV \$ Value Limit* to read "\$2,000 for Country Groups T&V, except \$0 for the People's Republic of China; \$0 for all other destinations," by revising the phrase "covered by paragraphs (a) and (b) above" in paragraph (d) of the List of Equipment to read "covered by subparagraphs (a) and (b) of ECCN 1763A," and by revising the heading and adding two Notes, as follows:

1357A Equipment for the production of fibers covered by ECCN 1763A, or their composites as follows, and specially designed components and accessories therefor.

Notes.—1. For technical data and procedures, see § 379.4(d)(11).

2. For "specially designed software", see Supp. No. 3 to Part 379.

49. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 3 (General Industrial Equipment), ECCN 1358A is amended by removing paragraph (f), revising the *GLV \$ Value Limit* to read "\$1,000 for Country Groups T&V, except \$0 for the People's Republic of China; \$0 for all other destinations," and revising the heading and adding a Note, as follows:

1358A Equipment specially designed for the manufacture or testing of devices and assemblies thereof controlled by ECCN 1588A (b), (c), (d) or (e) and for magnetic recording media, other than tape, controlled by ECCN 1572A (d) or free from control under Exception 3(c)(4) to ECCN 1572A (for magnetic tape production equipment, see ECCN 1356A); and specially designed components therefor.

Note.—For "software", see Supp. No. 3 to Part 379.

50. Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 3 (General Industrial Equipment), is amended by adding a new entry 1359A (in numerical order, disregarding the first digit), reading as follows:

1359A Specially designed tooling and fixtures for the manufacture of fiber-optic connectors and couplers controlled by ECCN 1526(f).

Controls for ECCN 1359A

Unit: Report in "\$ Value."

Validated License Required: Country Groups QSTVWYZ.

GLV \$ Value Limit: \$1,000 for Country Groups T&V, except \$0 for the People's Republic of China; \$0 for all other destinations.

Processing Code: TE.

Reason for Control: National security.
Special Licenses Available: See Part 373.

51. Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 3 (General industrial equipment), is amended by adding a new entry 1360A (in numerical order, disregarding the first digit), reading as follows:

1360A "Digitally controlled" equipment capable of automatic X-ray orientation and angle correction of double-rotated stress-compensated (SC) quartz crystals controlled by ECCN 1587A with a tolerance of 10 seconds of arc maintained simultaneously in both angles of rotation.

(For the definition of "digitally controlled", see ECCN 1355A.)

Unit: Report in "\$ value."

Validated License Required: Country Groups QSTVWYZ.

GLV \$ Value Limit: \$1,000 for Country Groups T&V, except \$0 for the People's Republic of China; \$0 for all other destinations.

Processing Code: TE.

Reason for Control: National security.
Special Licenses Available: See Part 373.

52. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 3 (General Industrial equipment), ECCN 1361A is amended by revising the heading and adding a Note; by revising the *GLV \$ Value Limit*, paragraph (d), and the Advisory Notes; and by adding new paragraphs (e), (f) and (g) to the list of Wind Tunnels Controlled by ECCN 1361A, reading as follows:

1361A Test facilities and equipment for the design or development of aircraft or gas turbine aero-engines; and specially designed components, and accessories therefor.

Note.—For "software", see Supp. No. 3 to Part 379.

GLV \$ Value Limit: \$2,000 for Country Groups T&V, except \$0 for the People's Republic of China; \$0 for all other destinations.

List of Wind Tunnels Controlled by ECCN 1361A

(d) Automated control systems, instrumentation (including sensors) and automated data-acquisition equipment, specially designed for use with wind tunnels and devices controlled by subparagraphs (a), (b) or (c) above;

(e) Models, specially designed for use with wind tunnels or with the devices

covered by sub-paragraphs (a) (b) or (c) above, of controlled aircraft, helicopters, air-foils, or surface-effect vehicles;

Note.—Specially designed models are those equipped with sensors and a means of transmitting data from the sensors to the data-acquisition system, or equipped with features for using non-intrusive sensors (i.e., not directly connected to the model or not located in the flow adjacent to the model). Other models are controlled by ECCN 9999M.

(f) Specially designed electromagnetic interference and electromagnetic pulse (EMI/EMP) simulators;

(g) Specially designed test facilities and equipment for the development of gas turbine aero-engines and components, as follows:

(1) Special test facilities capable of applying dynamic flight loads, measuring performance or simulating the design operating environments for rotating assemblies or aero-engines;

(2) Test facilities, test rigs and simulators for measuring combustion system and hot gas flow path performance, heat transfer and durability for static assemblies and aero-engine components;

(3) Specially designed test rigs, equipment of modified gas turbine engines utilized for development of gas turbine aero-engine internal flow systems (gas path seals, air-oil seals and disc cavity flow fields).

(Advisory) Notes.—1. Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of supersonic wind tunnels capable of Mach velocities of 1.4 or more, but less than 5, and not specially designed for or fitted with means of preheating the air, provided that the tunnels could not reasonably be used for strategic purposes.

2. Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of specially designed components controlled by this ECCN 1361A, for wind tunnels and for facilities and equipment covered by sub-paragraph (g) previously exported, provided that such components will not upgrade the performance of the wind tunnel, facilities or equipment and, for normally-consumable replacement components, the quantity will not exceed a 6-month supply.

53. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 3 (General Industrial Equipment), ECCN 1362A is amended by revising the *GLV \$ Value Limit* to read "\$1,000 for Country Groups T&V, except \$0 for the People's Republic of China; \$0 for all other destinations."

54. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 3 (General Industrial Equipment) is amended by revising the *GLV \$ Value Limit* of ECCN 3362A to read "\$200 for Country Groups T&V, except \$0 for the

People's Republic of China; \$0 for all other destinations."

55. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 3 (General Industrial Equipment) is amended by adding a new entry 1362A (in numerical order, disregarding the first digit), reading as follows:

1363A Specially designed water tunnel equipment, components and accessories for the design and development of vessels.

Note.—For "specially designed software" and/or databases in software form, see Supp. No. 3 to Part 379.

Controls for ECCN 1363A

Unit: Report in "\$ value."

Validated License Required: Country Groups QSTVWYZ.

GLV \$ Value Limit: \$1,000 for Country Groups T&V, except \$0 for the People's Republic of China; \$0 for all other destinations.

Processing Code: TE.

Reason or Control: National security.

Special Licenses Available: See Part 373.

List of Equipment Controlled by ECCN 1363A

(a) Automated control systems, instrumentation (including sensors) and data acquisition equipment specially designed for water tunnels;

(b) Automated equipment to control air pressure acting on the surface of the water in the test section during the operation of the water tunnel;

(c) Components and accessories for water tunnels, as follows:

(1) Balance and support systems;

(2) Automated flow or noise measuring devices; and

(3) Models of hydrofoil vessels, surface-effect vehicles and specially designed equipment and components controlled by ECCN 1416A (a), (b), (d) and (e) for use in water tunnels (Other models are controlled by ECCN 9999M.);

Note.—The water tunnels referred to in this ECCN are used for the hydrodynamic testing of a fixed model, using a moving fluid.

56. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 3 (General Industrial Equipment) is amended by revising the *GLV \$ Value Limit* of ECCN 3363A to read "\$1,000 for Country Groups T&V, except \$0 for the People's Republic of China; \$0 for all other destinations."

57. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 3 (General Industrial Equipment), is amended by adding a new entry 1364A (in numerical order, disregarding the first digit), reading as follows:

1364A Machinery and equipment for the manufacture of hydrofoil vessel and surface-effect vehicle structures and components, and specially designed components and accessories therefor.

Controls for ECCN 1364A

Unit: Report in "\$ value."

Validated License Required: Country Groups QSTVWYZ.

GLV \$ Value Limit: \$1,000 for Country Groups T&V, except \$0 for the People's Republic of China; \$0 for all other destinations.

Processing Code: TE.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Machinery and Equipment controlled by ECCN 1364A

(a) Specially designed equipment for manufacturing anisotropic, orthotropic or sandwich structures controlled by ECCN 1416A (d)(3);

Technical Notes.—1. Anisotropic construction is the use of fiber re-inforcing members or metallic members aligned so that the load-carrying ability of the structure can be primarily oriented in the direction of expected stress (at other than right angles).

2. Orthotropic construction is a means of stiffening plates in which the structural members are at right angles to each other.

3. Sandwich construction is the use of structural members of plates fabricated and permanently affixed in layers to enhance their strength and reduce their weight.

(b) Specially designed equipment for the production and testing of flexible materials for skirts, seals, air curtains, bags and fingers for surface-effect vehicles;

(c) Specially designed equipment for the production of water-screw propellers controlled by ECCN 1416A(e);

(d) Specially designed equipment for the production, dynamic balancing and automated testing and inspection of lift fans for surface-effect vehicles;

(e) Specially designed equipment for the production of water-jet propulsion pumps rated at 3,000 hp or greater, or multiple-pump system equivalents thereof;

(f) Specially designed equipment for the production, dynamic balancing and automatic testing of sectorized disc and concentric-drum rotors for DC homopolar machines.

(See also ECCN 1416A.)

58. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 3 (General Industrial Equipment) is amended by adding a new entry 1365A (in numerical order, disregarding the first digit), reading as follows:

1365A Equipment specially designed for in-service monitoring of acoustic emissions in airborne vehicles, or underwater vehicles controlled by ECCN 1418A, capable of discriminating acoustic emissions related to crack growth from innocuous noise sources and capable of spatial location of the crack, and specially designed components and accessories therefor.

Note.—For "specially designed software", see Supp. No. 3 to Part 379.

Technical Note.—The methods used for discriminating acoustic emissions from innocuous noise sources include pattern recognition techniques.

Controls for ECCN 1365A

Unit: Report in "\$ value."

Validated License Required: Country Groups QSTVWYZ.

GLV \$ Value Limit: \$1,000 for Country Groups T&V, except \$0 for the People's Republic of China; \$0 for all other destinations.

Processing Code: TE.

Reason for Control: National security.

Special Licenses Available: See Part 373.

59. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 3 (General Industrial Equipment), ECCN 1370A is amended by revising the heading, adding a Note, and revising the GLV \$ Value Limit as follows:

1370A Machine tools for generating optical quality surfaces, specially designed components and accessories therefor.

Note.—For "specifically designed software", see Supp. No. 3 to Part 379.

GLV \$ Value Limit: "\$1,000 for Country Groups T&V, except \$0 for the People's Republic of China; \$0 for all other destinations."

60. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 3 (General Industrial Equipment) is amended by revising the GLV \$ Value Limit for ECCN 1371A to read "\$1,000 for Country Groups T&V, except \$0 for the People's Republic of China; \$0 for all other destinations."

61. In Supplemental No. 1 to § 399.1 (the Commodity Control List), Commodity Group 3 (General Industrial Equipment), is amended by adding a new ECCN 1372A (in numerical order, disregarding the first digit), reading as follows:

1372A Industrial gas turbine engine components, as follows:

Core section modules and specially designed components of industrial gas turbine engines derived from gas turbine aero-engines controlled by ECCN 1460A

and marine gas turbine engines controlled by ECCN 1431A. [Industrial gas turbine engines adapted as marine gas turbine engines are controlled by ECCN 1431A.]

Controls for ECCN 1372A

Unit: Report in "\$ value."

Validated License Required: Country Groups QSTVWYZ.

GLV \$ Value Limit: \$1,000 for Country Groups T&V, except \$0 for the People's Republic of China; \$0 for all other destinations.

Processing Code: TE.

Reason for Control: National security.

Special Licenses Available: See Part 373.

62. Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 3 (General Industrial Equipment), is amended by adding a new ECCN 1385A (in numerical order, disregarding the first digit), reading as follows:

1385A Specially designed production equipment for compasses, gyroscopes (gyros), accelerometers and inertial equipment controlled by ECCN 1485A.

Controls for ECCN 1385A

Unit: Report in "\$ value."

Validated License Required: Country Groups QSTVWYZ.

GLV \$ Value Limit: \$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

Processing Code: TE.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Equipment Controlled by ECCN 1385A

Technical Note.—Reserved.

(a) For ring laser gyro equipment, the following equipment used to characterize mirrors, having the threshold accuracy shown or better:

- (1) Rectilinear scatterometer (10 ppm);
- (2) Polar scatterometer (10 ppm);
- (3) Reflectometer (50 ppm);
- (4) Profilometer (5 angstroms).

(b) For other inertial equipment:

(1) Inertial Measurement Unit (IMU) module tester;

(2) IMU platform tester;

(3) IMU stable element handling fixture;

(4) IMU platform balance fixture;

(5) Gyro tuning test station;

(6) Gyro dynamic balance station;

(7) Gyro run-in/motor test station;

(8) Gyro evacuation and fill station;

(9) Centrifuge fixture for gyro bearings;

(10) Accelerometer axis align station;

(11) Accelerometer test station.

63. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 3 (General Industrial Equipment) is amended by adding a new entry 1391A (in numerical order, disregarding the first digit), reading as follows:

1391A "Robots", "robot" controllers and "robot" end-effectors; and specially designed components therefor.

Note.—See also § 379.4(f)(1)(i)(k) and § 379.4(g).

Controls for ECCN 1391A

Unit: Report in "\$ value."

Validated License Required: Country Groups QSTVWYZ.

GLV \$ Value Limit: \$1,000 for Country Group T&V, except \$0 for the People's Republic of China; \$0 for all other destinations.

Processing Code: TE.

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Equipment and "Specially Designed Software" Controlled by ECCN 1391A

(a) "Robots" having any of the following characteristics, and specially designed components therefor:

Note.—"Robot" mechanical structures are included in specially designed components for the above.

(1) Capable of employing feedback information on-line (real-time) from one or more "sensors" to generate "programs" or modify programmed instructions or numerical program data, except those using information derived only from "sensors" used to measure:

(i) The internal state of the "robot", i.e., velocity, position (other than inertial position measuring systems), drive motor current, voltage, or pressure or temperature of fluid;

(ii) Through-the-arc current (or voltage) for weld seam tracking; or

(iii) Binary or scalar values for:

(a) Position, via proximity "sensors" (photo-electric, inductive or capacitive);

(b) Voltage, current, or hydraulic/pneumatic pressure of tool driving motor for the determination of force or torque; and

(c) External safety functions;

(2) Specially designed to comply with national safety standards applicable to explosive munitions environments;

(3) Incorporating means of protecting hydraulic lines against externally induced punctures caused by ballistic fragments (e.g., incorporating self-sealing lines) and designed to use hydraulic fluids with flash points higher than 839°K (566 °C or 1050 °F);

(4) Specially designed for underwater use (*i.e.*, incorporating special techniques or components for sealing, pressure compensation, or corrosion resistance);

(5) Operable at altitudes exceeding 30,000 meters;

(6) Specially designed for outdoor applications and meeting military specifications therefor;

(7) Specially designed or rated for operating in an electromagnetic pulse (EMP) environment;

(8) Specially designed or rated as radiation-hardened beyond that necessary to withstand normal industrial (*i.e.*, non-nuclear industry) ionizing radiation;

(9) Equipped with "robot" manipulator arms that contain titanium-based alloys covered by ECCN 1871A, or fibrous and filamentary materials covered by ECCN 1763A;

(10) Equipped with precision measuring devices covered by ECCN 1532A;

(11) Specially designed to move autonomously its entire structure through three-dimensional space in a simultaneously coordinated manner, *except* systems in which the "robot" moves on a fixed track;

Note.—Sub-item (a) above does not control "robots" specially designed for household use or those modified from household "robots" for educational purposes (pre-university) if not controlled for export by the other provisions of this ECCN.

(b) Electronic controllers having any of the following characteristics:

Notes: 1. For controllers capable of controlling numerically controlled machine tools or dimensional inspection machines, see ECCN 1091A.

2. For controllers with "digital computers" either "incorporated in" or "associated with" but not "embedded in", see ECCN 1585A.

(1) Controllers specially designed to be part of a "robot" controlled by sub-paragraphs (a)(2) to (a)(8), (a)(10) or (a)(11) above;

(2) Minimum programmable increment less (finer) than 0.001 mm for linear axis;

(3) Having more than one integral interface that meets or exceeds ANSI/IEEE standard 488-1978, IEC publication 625-1, or any equivalent standard for parallel data exchange;

(4) Capable of being programmed by means other than lead-through, key-in, or teach-pendant techniques;

(5) Word size exceeds 16 bit (excluding parity bit(s));

(6) Incorporating interpolation algorithms with an order of interpolation higher than linear or circular;

(7) Permitting on-line (real-time) generation or modification of the programmed path, velocity and functions other than the following:

(i) Manual velocity override;

(ii) Fixed linear or rotary axis offset;

(iii) Manual "robot" path editing (including manual path compensation) excluding "source language" used to program automatically the "robot" path, velocity or function;

(iv) Branching to pre-programmed modification of "robot" path, velocity or function;

(v) Fixed cycles (e.g., macro instructions or pre-programmed sub-routines);

(vi) Key-in or teach-in modifications;

(c) "End-effectors" having any of the following characteristics:

(1) Equipped with one or more "sensors", *except* those used to measure the parameters or values specified in sub-paragraphs (a)(1) (i), (ii) or (iii) above;

(2) Having integrated computer-aided data processing, *except* those using "sensors" used to measure the parameters or values specified in (a)(1) (i), (ii) or (iii) above;

(3) Equipped with an integral interface that meets or exceeds ANSI/IEEE Standard 488-1978, IEC publication 625-1, or any equivalent standard for parallel data exchange;

(4) Having any of the characteristics in (a)(2) to (a)(8) and (a)(10) above.

Note 1.—Definitions of the terms used in this ECCN 1391A:

(a) A "robot" is a manipulation mechanism that is reprogrammable, multifunctional, and capable of positioning or orientating material, parts, tools or special devices through variable movements in three-dimensional space. "Robots" incorporate two or more closed or open loop servo-devices (including stepping motors). They are reprogrammed by means of the teach/playback method, an electronic computer, or a programmable logic controller. "Robots" may be of the continuous path or point-to-point variety and may use "sensors".

Note.—The above definition does not include the following devices:

(1) Manipulation mechanisms that are only manually/tele-operator controllable;

(2) Fixed sequence manipulation mechanisms that are automated moving devices, operating according to mechanically fixed programmed motions. The program is mechanically limited by fixed stops, such as pins or cams. The sequence of motions and the selection of paths or angles are not variable or changeable by mechanical, electronic or electrical means;

(3) Mechanically controlled variable sequence manipulation mechanisms that are automated moving devices, operating according to mechanically fixed programmed motions. The program is mechanically limited by fixed but adjustable stops, such as pins or

cams. The sequence of motions and the selection of paths or angles are variable within the fixed program pattern. Variations or modifications of the program pattern (e.g., changes of pins or exchanges of cams) in one or more motion axes are accomplished only through mechanical operations;

(4) Non-servo-controlled variable sequence manipulation mechanisms that are automated moving devices operating according to mechanically fixed programmed motions. The program is variable, but the sequence proceeds only by the binary signal from mechanically fixed electrical binary devices or adjustable stops;

(5) Stackers defined as Cartesian coordinate manipulator systems manufactured as an integral part of a vertical array of storage bins and designed to access the contents of those bins for storage or retrieval.

(b) "End-effectors" include grippers, "active tooling units" and any other tooling that is attached to the baseplate on the end of the "robot's" manipulator arm(s).

(An "active tooling unit" is a device for applying motive power, process energy or sensing to the workpiece.)

(c) For the purposes of this ECCN, a "sensor" is defined as a detector of a physical phenomenon, the output of which (after conversion into a signal that can be interpreted by a controller) is able to generate "programs" or modify programmed instructions or numerical program data. This includes "sensors" with machine vision, infrared imaging, acoustical imaging, tactile feel, inertial position measuring, optical or acoustic ranging or force or torque measuring capabilities.

Note.—For computer-related terms, see ECCN 1585A.

(Advisory) Note 2. Licenses are likely to be approved for export to satisfactory civil end-users, other than nuclear or aerospace, in Country Groups QWY of "robots" controlled by sub-paragraph (a)(1) above, when limited as follows:

(a) The "robot" has none of the characteristics found in sub-paragraphs (a)(2) to (11);

(b) The controller is not specially designed to be part of a "robot" controlled by sub-paragraph (a) (2) to (8), (a) (10) or (a) (11);

(c) The controller does not exceed the parameters found in sub-paragraphs (b)(2) to (b)(7);

(d) "End-effectors" shall not exceed the parameters of sub-paragraph (c);

(e) *Reserved.*

(f) Documentation shall be limited to that necessary to perform the intended operations or for the maintenance and repair of the "robot";

(g) Vision systems shall be limited as follows:

(1) Capable of processing no more than 100,000 pixels using an industrial television camera or no more than 65,536 pixels using a solid-state camera;

(2) Using a single-scene analysis processor limited to no more than 16-bit word size (excluding parity bit(s)) and no parallel processing for the same task;

(3) *Reserved.*

Note.—This scene analysis limitation does not preclude approximation of the third dimension by viewing at a given angle, nor limited gray scale interpretation for the perception of depth or texture for the approved tasks:

(4) Vision system not programmable by the user except:

(i) To input reference images through the system's camera;

(ii) To input values of fixed parameters, including teach-in parameters; or

(iii) To select pre-programmed sub-routines;

(5) Not capable of continuous reaction or continuously updating the "robot" position while the "robot" is moving.

Note.—This precludes the use of vision systems for weld seam tracking during the welding operation but does not preclude straight-line or single-plane weld seam tracking using a single pass.

(6) Capable of no more than one scene analysis every 0.1 second;

(h) The "robot" is not intended for use in the production of controlled electronics or micro-electronics products.

64. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 3 (General Industrial Equipment) is amended by revising the *GLV \$ Value Limit* for ECCN 5399D to read "\$2,000 for Country Group Q. A General License *GLV* is not applicable to other destinations; however, another general license may apply."

65. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 4, a Note is added after the heading "Transportation Equipment" following the existing Note, reading as follows:

Note.—Software and other technical data listed under CCL entries are controlled by and subject to the licensing requirements imposed under Part 379 of the Export Administration Regulations; see § 379.4. For computer-related terms, see ECCN 1565A.

66. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 4 (Transportation Equipment) is amended by revising the *GLV \$ Value Limit* of ECCN 5406D to read "\$200 for Country Group Q. General License *GLV* is not applicable to other destinations; however, another general license may apply."

67. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 4 (Transportation Equipment) is amended by revising the *GLV \$ Value Limit* of ECCN 2409A to read "\$2,000 for Country Group T&V, except \$0 for the People's Republic of China; \$0 for all other destinations."

68. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 4 (Transportation Equipment) is amended by revising the *GLV \$ Value Limit* of ECCN 4409B to read "\$2,000 for

Country Groups T&V, except \$0 for the People's Republic of China; \$0 for all other destinations."

69. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 4 (Transportation Equipment) is amended by revising the *GLV \$ Value Limit* of ECCN 2410A to read "\$2,000 for Country Groups T&V, except \$0 for the People's Republic of China; \$0 for all other destinations."

70. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 4 (Transportation Equipment), ECCN 1416A is revised to read as follows:

1416A Vessels, surface-effect vehicles, water-screw propellers, and specially designed components.

Unit: Report vessels or vehicles in "number"; parts and accessories in "\$ value."

Validated License Required: Country Groups QSTVWYZ.

GLV \$ Value Limit: \$2,000 for Country Groups T&V, except \$0 for the People's Republic of China; \$0 for all other destinations.

Processing Code: TE.

Reason for Control: National security.
Special Licenses Available: See Part 373.

List of Equipment Controlled by ECCN 1416A

(a) Hydrofoil vessels with automatically controlled foil systems capable of speeds of above 40 knots in rough water (Sea State Five);

(b) Surface-effect vehicles, i.e., hovercraft, air cushion vehicles (both sidewall and skirted varieties) and all variations of vehicles using the wing-in-ground effect for positive lift;

(c) Vessels incorporating any item included in an ECCN beginning with the numeral 2 or listed in Supplement No. 2 to Part 370, any commodity defined in ECCNs 1485A, 1501A, 1502A, and 1510A (except all types of fish-finding or whale-finding equipment), or incorporating degaussing facilities;

(d) Specially designed components for the above vessels, as follows:

(1) Advanced hull forms that incorporate any of the following:

(i) Stepped hulls for hydrofoil vessels;

(ii) Hulls for air cushion vehicles with trapezoidal planforms;

(iii) Hulls for surface-effect vehicles with catamaran-like sidewalls;

(iv) Hulls for wing-in-ground effect vehicles;

(2) Fully submerged subcavitating or supercavitating hydrofoils;

(3) Lightweight structural components for hydrofoil vessels and surface-effect vehicles, constructed using anisotropic,

orthotropic or sandwich construction methods;

Technical Notes

1. Anisotropic construction methods relate to the use of fiber reinforcing members aligned so that the load-carrying ability of the structure can be primarily orientated in the direction of expected stress (oriented at other than right angles).

2. Orthotropic construction methods relate to means of stiffening plates, in which the structural members are at right angles to each other.

3. Sandwich construction methods relate to the use of structural members or plates fabricated and permanently affixed in layers to enhance their strength and reduce their weight.

(4) Flexible skirts, seals and fingers for surface-effect vehicles;

(5) Systems for automatically controlling the stability of hydrofoil vessels or surface-effect vehicles;

(6) Power transmission shaft systems that incorporate composite material components, for hydrofoil vessels and surface-effect vehicles;

(7) Lightweight, high capacity (K factor greater than 150) gearing (planetary, cross-connect and multiple input/output gears and bearings) for hydrofoil vessels and surface-effect vehicles;

Technical Note.—For the K factor, see AGMA tables of K factor values (based on tooth profile, pinion and gear materials and surface endurance limits).

(8) Water-cooled electrical propulsion machinery (motor and generator), including sector-disc and concentric-drum rotors for DC homopolar machines for hydrofoil vessels and surface-effect vehicles;

(9) Superconducting electrical propulsion machinery for hydrofoil vessels and surface-effect vehicles;

(10) Lift fans for surface-effect vehicles, rated at greater than 400 hp;

(11) Waterjet propulsor systems rated at 3,000 input hp or greater for hydrofoil vessels and surface-effect vehicles;

(12) Moisture and particulate separator systems capable of removing 99.9% of particles larger than two micrometers in diameter with a maximum pressure loss of 1.6 kPa (16 millibar), for gas turbine engine air inlets for hydrofoil vessels and surface-effect vehicles;

(e) Water-screw propellers, as follows:

(1) Supercavitating propellers rated at greater than 10,000 hp;

(2) Contrarotating propellers rated at greater than 20,000 hp;

(3) Controllable-pitch propellers rated at greater than 20,000 hp;

(4) Ventilated, base-ventilated and super-ventilated propellers.

(For marine gas turbine engines, see also ECCN 1431A.)

71. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 4 (Transportation Equipment) is amended by revising the *GLV \$ Value Limit* of ECCN 1418A to read "\$2,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations."

72. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 4 (Transportation Equipment), ECCN 1425A is amended by revising the heading, adding a Note, revising the title of the Definitive List of Characteristics . . . Controlled by ECCN 1425A, revising the semicolon at the end of paragraph (c)(2) to a period, and removing paragraph (d), as follows:

1425A Floating docks, as follows.

Note.—Software for this ECCN is covered in Supp. No. 3 to Part 379.

Definitive List of Characteristics Describing Floating Docks and Technology Therefor Controlled by ECCN 1425A

73. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 4, (Transportation Equipment), ECCN 1431A is amended by revising the heading, the *GLV \$ Value Limit*, and adding new Notes, as follows:

1431A Marine gas turbine engines (marine propulsion or shipboard power generation engines), whether originally designed as such or adapted for such use, and specially designed components therefor.

GLV \$ Value Limit: \$2,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

Note 1.—Reserved.

(Advisory) Note 2.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY for the shipment of engines in appropriate numbers and their specially designed components for non-marine propulsion or non-shipboard civil end-use.

(Advisory) Note 3.—Applications to export core-section modules and specially designed components covered by ECCN 1460A shall be reviewed under the provisions of that ECCN, even if the gas turbine aero-engine has been modified for use in marine propulsion or shipboard power generation.

Note 4.—Reserved.

Note 5.—Reserved.

74. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 4 (Transportation Equipment) is amended by revising the *GLV \$ Value Limit* of ECCN 4431B to read "\$2,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations."

75. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 4 (Transportation Equipment) is amended by revising the *GLV \$ Value Limit* of ECCN 5431D to read "\$1,000 for Country Group Q. General License *GLV* is not applicable to other destinations; however, another general license may apply."

76. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 4 (Transportation Equipment), ECCN 1460A is amended by revising the second sentence of the *Technical Data* paragraph to read "No technical data relating to civil aircraft, civil aircraft equipment, and parts, accessories or components thereof (except that listed in § 379.4 (d) may be exported under General License *GTDR*, and exports of these technical data to all destinations, except Canada, require a validated export license."; by revising in paragraph "2" under *Special Foreign Policy Controls* the phrase "in paragraph (b)" to read "in paragraph (a)"; by revising in paragraph "3" under *Special Foreign Policy Controls* the phrase "in paragraph (c)" to read "in paragraphs (b) and (c)"; and by revising the heading, adding a Note, and revising the *GLV \$ Value Limit* and the List of Nonmilitary Equipment Controlled by ECCN 1460A to read as follows:

1460A Aircraft and helicopters, aero-engines and aircraft and helicopter equipment.

Note.—For "software", see Supp. No. 3 to Part 379.

GLV \$ Value Limit: \$2,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

List of Nonmilitary Equipment Controlled by ECCN 1460A

(a) Aircraft and helicopters, except those that do not contain equipment listed in Supp. No. 2 to Part 379 or in ECCNs 1485A, 1501A or any ECCN beginning with the numeral 2 and are of types in bona fide normal civil use (Specify make and model of aircraft and type of avionic equipment installed on aircraft); and

(b) "Helicopter power transfer systems" except those that have been in civil use in bona fide "civil helicopters" for more than eight years (Helicopter power transfer systems in civil use for more than eight years require a validated export license to destinations in Country Groups QSWYZ.);

(c) Gas turbine engines and auxiliary power units (APUs) for use in aircraft or helicopters, except:

(1) Jet, turboprop and turboshaft aircraft engines in civil use in bona fide "civil aircraft" or "civil helicopters" for more than eight years (Jet, turboprop and turboshaft aircraft engines in civil use for more than eight years require a validated export license to destinations in Country Groups QSWYZ.);

(2) Gas turbine powered aircraft APUs in civil use in bona fide "civil aircraft" or "civil helicopters" for more than eight years (Gas turbine powered aircraft APUs in civil use for more than eight years require a validated export license to destinations in Country Groups QSWYZ.);

(d) Specially designed components for gas turbine engines, APUs and "helicopter power transfer systems", controlled by sub-paragraphs (b) and (c) above, as follows:

(1) Embodying technologies listed under Notes 8 or 9;

(2) Engine hot-section components;

(3) Engine control system components;

(4) Gas turbine engine or APU rotor system components (including bearings);

(Aero-engines, APUs or "helicopter power transfer systems" that have any special feature designed for a military application are controlled by the Department of State (See Supp. No. 2 to Part 379). For industrial gas turbine engines components, see ECCN 1372A; for marine gas turbine engines, see ECCN 1431A.)

Note 1.—Reserved.

Note 2.—The period of bona fide civil use referred to in sub-paragraphs (b) and (c) above begins with the date that the particular engine or "helicopter power transfer system" (model and specifications) or its most recent modification was certified as airworthy for commercial service by the Federal Aviation Administration (FAA). However, it is recognized that many modifications that may require recertification may pertain to minor safety or operational changes that do not significantly enhance the performance of a particular gas turbine aero-engine or improve its reliability.

(a) A gas turbine aero-engine recertified as the result of incorporating any technology listed in Note 4 will be treated as a newly certified engine. Recertification that does not result from incorporation of such technology, or modifications that do not require

recertification by the FAA, will not affect the current period of civil use of the engine;

(b) Modification of a gas turbine APU by incorporation of any technology listed in Note 4 will cause it to be treated as a new APU. Other modifications will not affect the current period of civil use of the APU;

(c) Modification of a "helicopter power transfer system" by incorporation of any technology listed in Note 5 will restart the control period for the "helicopter power transfer system" as though it were newly certified in a helicopter. Other modifications will not affect the current period of civil use of the "helicopter power transfer system".

Note 3.—"Helicopter power transfer systems" referred to in sub-paragraph (b) above are defined as all those components that transfer power from the engine to the main and tail rotor blade(s).

Note 4.—Reserved.

Note 5.—Reserved.

(Advisory) Note 6.—Licenses are likely to be approved for export to satisfactory end-users for civil end-uses in Country Groups QWY of the following equipment:

(a) "Helicopter power transfer systems" controlled by sub-paragraph (b) above for incorporation in bona fide "civil helicopters";

(b) Gas turbine engines or APUs controlled by sub-paragraph (c) above for incorporation in bona fide "civil aircraft" or "civil helicopters";

(c) Specially designed components controlled by sub-paragraph (d) above, for use in engines, APUs or "helicopter power transfer systems", as follows:

(1) Produced for use in bona fide "civil aircraft" or "civil helicopters" in appropriate quantities; or

(2) To support the assembly of that number of "helicopter power transfer systems", engines or APUs required for installation in, and as standard spares for, bona fide "civil aircraft" or "civil helicopters" in current production; or

(3) To support current civil fleet operations.

Note 7.—Reserved.

Note 8.—Listing of aero-engine/APU design, manufacturing, construction and fabrication technologies affecting the period of bona fide civil use referred to in Note 1, and affecting components identified in (d)(1) above.

I. Materials and manufacturing procedures

Ceramic, ceramic composite or composite hot-section components (combustor, turbine blades and vanes, seals, discs, flow path).

Turbine blades on basis of directional solidification or monocrystal technology.

- directional solidification
- monocrystal technology

Turbine blades consisting of several parts connected by diffusion bonding.

Fiber technology in frames or in highly stressed discs, casings, blades and vanes.

Protective coating technology for air-cooled turbine blades and vanes with

internal and external cooling passages and their related flow paths capable of operating in high gas temperature environments (in excess of 1400 °C).

Irrespective of the actual gas temperature environment in which they will be used, involving applications of metallic or ceramic materials by vapor, pack, plasma, electron beam, sputtering or sintering processes.

Metallic coatings.

- plasma sprayed
- other

Ceramic coatings.

Application of powder metallurgy for fan, compressor and turbine blades or vanes; discs, wheels, reduction gears, engine main shafts and frames.

- discs

- fans, compressor and turbine blades or vanes, wheels, reduction gears, engine main shafts and frames

Cooled components on basis of electrostream or laser drilling methods.

- electrostream drilling
- laser drilling

Electron beam drilling for small holes in turbine blades and vanes (ECCN 1080A(c) sets out the parameters for small holes).

Titanium or super alloy casting on basis of centrifugal techniques.

Ceramic core casting technology for casting holes in turbine blades and vanes.

II. Construction methods

Adjustable flow path geometry and associated control systems for:

- fans
- gas generator turbine(s)
- fan/power turbine(s)
- propelling nozzles

(Adjustable flow path geometry and associated control systems do not include: inlet guide vanes, variable pitch fans, variable stators or bleed valves for compressors.)

Full authority or hybrid digital electronic control and respective sensor equipment.

High temperature (capable of utilizing gases heated above 1100 °C heat exchangers for preheating compressor exit air.

Combustors with combustion in several stages.

Maintenance of compressor or turbine tip clearance through methods employing active compensating casing technology:

- compressor alone
- turbine alone
- compressor and turbine

Ceramic bearings.

Nozzles with thrust vectoring (not including reverse thrust).

Note 9.—Listing of helicopter power transfer system design, manufacturing, construction and fabrication technologies affecting the periods of bona fide civil use referred to in Note 1, and affecting components identified in (d)(1) above.

I. Materials and manufacturing procedures

A. Rotor heads, containing:

- Elastomeric bearings (oscillating bearings using flexible synthetic material to allow the relative movement of the supported parts)
- Load carrying structures applying fiber technology
- Hot-isostatically pressed materials

B. Gears boxes, containing:

- Novikoff-type gears
- Gears or gear support structures based on materials applying directional solidification or monocrystal technology
- High contact-ratio double-helical (arrow shaped) gears
- Fiber technology
- Hot-isostatically pressed components
- Casings without shims and the interchangeable bevel gears associated with them
- Gear tooth surfaces hardened by vacuum carburizing or ion nitriding

C. Drive shaft systems containing super critical drive shafts.

II. Construction methods

A. Components fabricated by diffusing bonding.

B. High-survivability loss-of-lubrication technology for high-speed bearings (DN equal to or greater than 2.4 million where D is expressed in millimeters and N in rpm).

77. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 4 (Transportation Equipment) is amended by revising the heading of ECCN 4460B to read "Nonmilitary aircraft and helicopter equipment and aero-engines"; by removing the phrase "aircraft, helicopters and" from the *Unit* paragraph; by revising the *GLV \$ Value Limit* to read "\$2,000 for Country Groups T and V, except \$0 for the People's Republic of China; \$0 for all other destinations."; by revising the second sentence under the *Technical Data* heading to read "No technical data relating to civil aircraft, civil aircraft equipment, and parts, accessories, or components thereof (except that listed in section 379.4(d) may be exported under General License *GTD*, and exports of these technical data to all destinations, except Canada, require a validated export license."; by removing paragraph (a)(2) from the List of Nonmilitary Equipment Controlled by ECCN 4460B and redesignating paragraph (a)(3) as (a)(2); and by

removing the colon at the end of paragraph (b) introductory text, removing paragraph (b)(1), removing the designation "(2)" from paragraph (b)(2), and removing the phrase "10,000 pounds or less empty weight," from paragraph (b)(2).

78a. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 4 (Transportation Equipment) is amended by revising the second sentence under the *Technical Data* heading of ECCN 5460F to read "No technical data relating to civil aircraft, civil aircraft equipment, and parts, accessories, or components thereof (except that listed in section 379.4(d)) may be exported under General License GTDR, and exports of these technical data to all destinations, except Canada, require a validated export license."

78b. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 4 (Transportation Equipment) ECCN 6460F is amended by inserting the phrase "(except that listed in § 379.4(d))" immediately before the phrase "may be exported under General License GTDR" under the heading of *Technical Data*, and by revising the phrase "ECCNs 1485A or 1501A" to read "ECCNs 1460A, 2460A or 5460F" in the undesignated paragraph following paragraph (b).

79. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 4 (Transportation Equipment), ECCN 1485A is amended by revising the heading and adding a Note, revising the *GLV \$ Value Limit*, the Advisory Note, and paragraphs (b), (e), (h), and (i) of the List of Compasses . . . Controlled by ECCN 1485A, and adding a paragraph (j) to the List, as follows:

1485A Compasses, gyroscopes (gyros), accelerometers and inertial equipment and specially designed components therefor. (See also ECCN 1385A.)

Note.—For "software", see Supp. No. 3 to Part 379.

GLV \$ Value Limit: \$2,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

List of Compasses . . . Controlled by ECCN 1485A

(b) Integrated flight instrument systems that include gyro-stabilizers or automatic pilots for aircraft, except those systems integrated solely for VOR/ILS navigation and approaches;

Note.—An integrated flight instrument system is a primary instrument display

system of attitude and azimuth with facilities for giving maneuver guidance information to the pilot and often integrated with an autopilot to the extent of embodying a common unit for setting up the required demands.

(e) Automatic pilots used for purposes other than aircraft control except marine types for surface vessels;

(h) Continuous output accelerometers that utilize "servo" or "force balance" techniques and gyros, both specified to function at acceleration levels greater than 100 g;

(i) Inertial or other equipment using accelerometers controlled by sub-paragraphs (f) or (h) above or gyros controlled by sub-paragraphs (g) and (h) above, and systems incorporating such equipment;

(j) Specially designed test, calibration and alignment equipment for the above.

(Advisory) Note.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of equipment of the following description:

(a) Types and series controlled by sub-paragraph (b), provided the equipment has been in normal civil use for more than two years, is standard equipment of aircraft excluded from control under ECCN 1480A and is, or is to be, installed in civil aircraft;

(b) Types and series covered by sub-paragraph (d) above, provided the equipment has been in normal civil use for more than two years and is intended for a clearly civil application;

(c) Specially designed components covered by this ECCN and equipment covered by sub-paragraph (j), provided they are not controlled by sub-paragraphs (f), (g) or (h) and are intended for use with exports meeting the conditions of sub-paragraphs (a) and (b) of this Note.

80. In Supplement No. 1 to § 399.1 (the Commodity Control List), a Note is added under the title of Commodity Group 6, "Metals, Minerals and their Manufactures" following the existing Note, reading as follows:

Note.—Software and other technical data listed under CCL entries are controlled by and subject to the licensing requirements imposed under Part 379 of the Export Administration Regulations; see § 379.4. For computer-related terms, see ECCN 1565A.

81. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 6 (Metals, Minerals, and their Manufactures), the *GLV \$ Value Limit* for ECCN 4601B is revised to read: "\$2,000 for Country Groups T & V; \$1,000 for Country Group Q; \$0 for all other destinations."

82. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 6 (Metals, Minerals, and their Manufactures), a new ECCN 1603A is

added (in numerical order, disregarding the first digit), reading as follows:

1603A Seamless tube and pipe having an outside diameter of 60 mm (2.36 inches) or greater, and seamless fittings therefor, made of nickel-base superalloys that contain the following major alloying elements: 19.0 weight % or more chromium, 7.4% or more molybdenum, a maximum of 6.0% iron, and 3.0% or more niobium (columbium) or niobium and tantalum combined.

Controls for ECCN 1603A

Unit: Report in "lbs."

Validated License Required: Country Groups QSTVWYZ.

GLV \$ Value Limit: \$2,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

Processing Code: CM.

Reason For Control: National security.

Special Licenses Available: See Part 373.

(Advisory) Note.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of tube and pipe controlled for export by this ECCN.

83. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 6 (Metals, Minerals, and their Manufactures), the *GLV \$ Value Limit* for ECCN 2603A is revised to read: "\$1,000 for Australia, Japan, New Zealand, and members of NATO; \$0 for all other destinations."

84. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 6 (Metals, Minerals, and their Manufactures), the *GLV \$ Value Limit* for ECCN 3604A is revised to read: "\$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations."

85. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 6 (Metals, Minerals, and their Manufactures), the *GLV \$ Value Limit* for ECCN 3605A is revised to read: "\$200 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations."

86. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 6 (Metals, Minerals, and their Manufactures), the *GLV \$ Value Limit* for ECCN 3607A is revised to read: "\$200 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations."

87. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 6 (Metals, Minerals, and their Manufactures), the *GLV \$ Value Limit* for ECCN 3608A is revised to read: "\$500 for Country Groups T & V, except \$0 for

the People's Republic of China; \$0 for all other destinations."

88. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 6 (Metals, Minerals, and their Manufactures), the *GLV \$ Value Limit* for ECCN 2616A is revised to read "\$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations."

89. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 6 (Metals, Minerals, and their Manufactures), ECCN 1631A is amended by revising the *GLV \$ Value Limit* and List of Magnetic Metals Controlled by ECCN 1631A, as follows:

1631A Magnetic metals of all types and of whatever form.

GLV \$ Value Limit: \$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

List of Magnetic Metals Controlled by ECCN 1631A

(a) Initial permeability: 0.15 henry/m (120,000 gauss/oersteds) or more calculated at induction O and magnetic field strength O or the equivalent:

(b) Remanence: 98.5% or over of maximum magnetic flux for materials having magnetic permeability:

(c) A composition capable of an energy product of:

(1) 95,500 joules/m³ (12×10^6 gauss-oersteds) or greater; or

(2) 55,700 joules/m³ (7×10^6 gauss-oersteds) or greater and having a coercive force of 159,155 amperes/m (2,000 oersteds) or greater:

(d) Grain-orientated iron alloy sheets or strips of a thickness of 0.1 mm (0.004 inch) or less:

(e) Magnetostrictive alloys as follows:

(1) Saturation magnetostriction greater than 5×10^{-4} ; or

(2) Magnetomechanical coupling factor (k) greater than 0.8.

90. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 6 (Metals, Minerals, and their Manufactures), ECCN 1635A is amended by revising the *GLV \$ Value Limit* and adding a List of Items Controlled by ECCN 1635A, as follows:

1635A Iron and steels, alloyed, containing 10 percent or more molybdenum (but more than 5 percent molybdenum in any alloys containing more than 14 percent chromium), except products obtained by casting and having

a carbon content of more than 1.5 percent.

GLV \$ Value Limit \$2,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

List of Items Controlled by ECCN 1635A

(a) *Reserved.*

(b) Steel alloys in crude or semi-fabricated form, containing a combination of the following major alloy elements in the amounts listed:

(1) 4.5 to 5.95% nickel by weight:

(2) 0.3 to 1.0% chromium:

(3) 0.2 to 0.75% molybdenum:

(4) 0.04 to 0.15% vanadium.

(5) Less than 0.19% carbon.

(See also ECCN 1672.)

91. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 6 (Metals, Minerals, and their Manufactures), the *GLV \$ Value Limit* for ECCN 4635B is revised to read "\$1,000 for Country Groups T & V; \$0 for all other destinations."

92. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 6 (Metals, Minerals, and their Manufactures), ECCN 1648A is amended by revising the *GLV \$ Value Limit* and adding a reference at the end of paragraph (c) of the List of Characteristics . . . Controlled by ECCN 1648A, as follows:

1648A Cobalt-based alloys (e.i., containing a higher percentage by weight of cobalt than of any other element).

GLV \$ Value Limit: \$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

List of Characteristics of Cobalt-Based Alloys Controlled by ECCN 1648A

(c) . . .

(See also ECCN 1672A.)

93. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 6 (Metals, Minerals, and their Manufactures), the *GLV \$ Value Limit* for ECCN 1649A is revised to read "\$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations."

94. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 6 (Metals, Minerals, and their Manufactures), the *GLV \$ Value Limit*

for ECCN 1658A is revised to read "\$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations."

95. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 6 (Metals, Minerals, and their Manufactures), ECCN 1661A is amended by revising the *GLV \$ Value Limit* and adding a reference at the end of paragraph (c) of the List of Characteristics . . . Controlled by ECCN 1661A, as follows:

1661A Nickel-based alloys (i.e., containing a higher percentage by weight of nickel than of any other element).

GLV \$ Value Limit: \$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

List of Characteristics of Nickel-Based Alloys Controlled by ECCN 1661A

(c) . . .

(See also ECCN 1672A.)

96. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 6 (Metals, Minerals, and their Manufactures), the *GLV \$ Value Limit* of ECCN 1670A is revised to read "\$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations."

97. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 6 (Metals, Minerals, and their Manufactures), ECCN 1671A is amended by revising the *GLV \$ Value Limit* and List of Nominal Compositions . . . Controlled by ECCN 1671A, as follows:

1671A Titanium-based alloys in crude and semi-fabricated form, or as scrap.

GLV \$ Value Limit: \$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

List of Nominal Compositions of Titanium-Based Alloys . . . Controlled by ECCN 1671A

Titanium-based alloys in crude and semi-fabricated form, or as scrap, having a nominal composition of 6% aluminum, 2% tin, 4% zirconium, 6% molybdenum and the balance titanium.

(See also ECCN 1672A.)

98. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 6 (Metals, Minerals, and their Manufactures), a new ECCN 1672A is added (in numerical order, disregarding the first digit), reading as follows:

1672A Aluminides of titanium containing 12 weight % or more aluminum, and aluminides of nickel, cobalt and iron containing 10 weight % or more aluminum, in crude or semi-fabricated forms, and scrap thereof.

(See also ECCNs 1635A, 1648A, 1661A and 1671A.)

Controls for ECCN 1672A

Unit: Report in "lbs."

Validated License Required: Country Groups QSTVWYZ.

GLV \$ Value Limit: \$500 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

Processing Code: CM.

Reason for Control: National security.

Special Licenses Available: None.

99. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 6 (Metals, Minerals, and their Manufactures), a new ECCN 1674A is added (in numerical order, disregarding the first digit), reading as follows:

1674A Vanadium of 99.7% or higher purity (including scrap) and alloys containing vanadium of 99.7% or higher purity as an alloying agent (including scrap).

Controls for ECCN 1674A

Unit: Report in "lbs."

Validated License Required: Country Groups QSTVWYZ.

GLV \$ Value Limit: \$500 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

Processing Code: CM

Reason for Control: National security.

Special Licenses Available: None.

100. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 6 (Metals, Minerals, and their Manufactures), the *GLV \$ Value Limit* for ECCN 4674B is revised to read "\$1,000 for Country Groups T & V; \$0 for all other destinations."

101. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 6 (Metals, Minerals, and their Manufactures), a new ECCN 1675A is added (in numerical order, disregarding the first digit), reading as follows:

1675A Superconductive materials of all types and processed conductors containing at least one superconducting constituent, designed for operation at temperatures below 103K (-170 °C, -274 °F), except processed conductors possessing all of the characteristics listed in this entry.

Controls for ECCN 1675A

Unit: Report in "lbs."

Validated License Required: Country Groups QSTVWYZ.

GLV \$ Value Limit: \$500 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

Processing Code: CM

Reason for Control: National security.

Special Licenses Available: See Part 373.

List of Items Controlled by ECCN 1675A

Superconductive materials of all types and processed conductors containing at least one superconducting constituent, designed for operation at temperatures below 103K (-170 °C, -274 °F), except processed conductors possessing all of the characteristics:

(a) The superconducting constituent, when evaluated in sample length of less than one meter, does not remain in the superconducting state when exposed to an applied magnetic field in excess of 12 tesla (120 kilogauss) at a temperature of 4.2 K (-268 °C, -451.8 °F);

(b) The superconducting constituent of filament has a cross-section area greater than 3.14×10^{-4} mm² (20-micrometer diameter for circular filaments);

(c) The superconducting filament(s) are embedded in a copper or copper-based mixture matrix; and

(d) The conductor is either non-coated or insulated with varnish, glass fiber, polyamide or polyimide.

Technical Note.—Superconductive materials are metals, alloys and compounds that lose electrical resistance near absolute zero of temperature, i.e., they have infinite electrical conductivity and can carry very large electrical currents without Joule heating. The superconducting state for each material is individually characterized by a critical temperature, a critical magnetic field (which is a function of temperature) and a critical current density (which is a function of both magnetic field and temperature). Materials remain in the superconducting state provided temperature, magnetic field and current density are all less than the critical values.

(Advisory) Note.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of individual shipments of niobium-titanium wire covered by this ECCN having a filament cross-sectional area of 9.5×10^{-3} mm² (or 11-

micrometer diameter) or greater in a copper or copper-based mixture matrix, in quantities not exceeding 10 kg.

102. In Supplement No. 1 to § 399.1 (the Commodity Control List), a Note is added under the title of Commodity Group 7, "Chemicals, Metalloids, Petroleum Products and Related Materials" following the existing Note, reading as follows:

Note.—Software and other technical data listed under CCL entries are controlled by and subject to the licensing requirements imposed under Part 379 of the Export Administration Regulations; see § 379.4. For computer-related terms, see ECCN 1565A.

103. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 7 (Chemicals, Metalloids, Petroleum Products and Related Materials), the *GLV \$ Value Limit* for ECCN 1701A is revised to read "\$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations."

104. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 7 (Chemicals, Metalloids, Petroleum Products and Related Materials), the *GLV \$ Value Limit* for ECCN 4707B is amended by revising the phrase "\$100 for chemicals in subentry (a)" to read "\$200 for chemicals in subentry (a)".

105. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 7 (Chemicals, Metalloids, Petroleum Products and Related Materials), the *GLV \$ Value Limit* for ECCN 2708A is revised to read "\$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations."

106. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 7 (Chemicals, Metalloids, Petroleum Products and Related Materials), the *GLV \$ Value Limit* for ECCN 3711A is revised to read "\$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations."

107. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 7 (Chemicals, Metalloids, Petroleum Products and Related Materials), the *GLV \$ Value Limit* for ECCN 1715A is revised to read "\$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations."

108. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 7 (Chemicals, Metalloids, Petroleum Products and Related Materials), the *GLV \$ Value Limit* for ECCN 4720B is revised to read

"\$200 for Country Groups Q, T & V; \$0 for all other destinations."

109. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 7 (Chemicals, Metalloids, Petroleum Products and Related Materials), the *GLV \$ Value Limit* for ECCN 4721B is revised to read "\$2,000 for Country Groups T & V; \$0 for all other destinations."

110. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 7 (Chemicals, Metalloids, Petroleum Products and Related Materials), the *GLV \$ Value Limit* for ECCN 1733A is revised to read "\$2,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations and \$0 for items in sub-paragraphs (d) (1), (2) and (3) to all destinations except Canada."

111. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 7 (Chemicals, Metalloids, Petroleum Products and Related Materials), is amended by adding a new ECCN 1749A (in numerical order, disregarding the first digit), reading as follows:

1749A Polycarbonate sheet of 1.5 mm (0.060 inch) to 25.4 mm (1 inch) thickness, having no major defects and having all of the optical characteristics listed below.

Controls for ECCN 1749A

Unit: Report in "sq. ft."

Validated License Required: Country Groups QSTVWYZ.

GLV \$ Value Limit: \$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

Processing Code: CM

Reason for Control: National security.

Special Licenses Available: None.

List of Polycarbonate Sheet Controlled by ECCN 1749A

Polycarbonate sheet of 1.5 mm (0.060 inch) to 25.4 mm (1 inch) thickness, having no major defects and having all of the following optical characteristics:

(a) Less than 2% haze as determined by method ASTM D1003;

(b) An angular deviation, as determined by method ASTM D637, as follows:

(1) Not more than 12 minutes at any location more than 25.4 mm (1 inch) from the edge of the sheet for sheet thickness of 1.5 mm (0.060 inch) to 9.5 mm (0.375 inch); or

(2) Not more than 20 minutes at any location more than 25.4 mm (1 inch) from the edge of the sheet for sheet thickness over 9.5 mm (0.375 inch) to 25.4 mm (1 inch);

(c) Total number of minor optical defects (excluding those within 25.4 mm (1 inch) of the sheet edge) as follows:

(1) Not exceeding 1 per 0.368 m² (4 ft²) for sheet that is 12.7 mm (0.5 inch) or less in thickness; or

(2) Not exceeding 2 per 0.092 m² (1 ft²) for sheet over 12.7 mm (0.5 inch) in thickness.

Technical Note.—Major defects are defined as variations in the material that cause angular deviations either side of the undeviated position in excess of those listed in sub-paragraph (b) above. Minor defects include any embedded particles, bubbles, scratches or internal inhomogeneity that reduce visibility through the plastic, and those localized imperfections that cause a variation in angular deviation of more than 5 minutes within a distance of not more than 508 mm (20 inches) on the screen when tested by method ASTM D637. (It is not intended that the entire sheet be quantitatively surveyed for such variation in deviation, but that localized imperfections suspected of being detrimental be evaluated by means of this test.)

(For manufactures thereof, see item x on the U.S. Department of State Munitions List, Supp. No. 2 to Part 370 of the Export Administration Regulations.)

112. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 7 (Chemicals, Metalloids, Petroleum Products and Related Materials), the *GLV \$ Value Limit* for ECCN 4754B is revised to read "\$1,000 for Country Groups Q, T & V; \$0 for all other destinations."

113. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 7 (Chemicals, Metalloids, Petroleum Products and Related Materials), the *GLV \$ Value Limit* for ECCN 4755B is revised to read "\$1,000 for Country Groups T & V; \$200 for Country Group Q; \$0 for all other destinations."

114. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 7 (Chemicals, Metalloids, Petroleum Products and Related Materials), the *GLV \$ Value Limit* for ECCN 1760A is revised to read "\$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations."

115. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 7 (Chemicals, Metalloids, Petroleum Products and Related Materials), the *GLV \$ Value Limit* for ECCN 1763A is revised to read "\$500 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations."

116. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 7 (Chemicals, Metalloids, Petroleum Products and Related Materials), the *GLV \$ Value*

Limit for ECCN 1781A is revised to read "\$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations."

117. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 7 (Chemicals, Metalloids, Petroleum Products and Related Materials), the *GLV \$ Value Limit* for ECCN 4782B is revised to read "\$2,000 for Country Groups Q, T & V, and Canada; \$0 for all other destinations."

118. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 7 (Chemicals, Metalloids, Petroleum Products and Related Materials), the *GLV \$ Value Limit* for ECCN 4783B is revised to read "\$2,000 for Country Group Q, T & V, and Canada; \$0 for all other destinations."

119. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 7 (Chemicals, Metalloids, Petroleum Products and Related Materials), the *GLV \$ Value Limit* for ECCN 5799D is revised to read "\$200 for Country Group Q. General License *GLV* is not applicable for other destinations; however, another general license may apply."

120. In Supplement No. 1 to § 399.1 (the Commodity Control List), a Note is added under the title of Commodity Group 8, "Rubber and Rubber Products", following the existing Note, reading as follows:

Note.—Software and other technical data listed under CCL entries are controlled by and subject to the licensing requirements imposed under Part 379 of the Export Administration Regulations; see § 379.4. For computer-related terms, see ECCN 1565A.

121. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 8 (Rubber and Rubber Products), the *GLV \$ Value Limit* for ECCN 1801A is revised to read "\$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations."

122. In Supplement No. 1 to § 399.1 (the Commodity Control List), a Note is added under the title of Commodity Group 9, "Miscellaneous", following the existing Note, reading as follows:

Note.—Software and other technical data listed under CCL entries are controlled by and subject to the licensing requirements imposed under Part 379 of the Export Administration Regulations; see § 379.4. For computer-related terms, see ECCN 1565A.

Dated: August 28, 1985.

John K. Boidock,

Director, Office of Export Administration,
International Trade Administration.

[FR Doc. 85-21328, Filed 9-5-85; 8:45 am]

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15 CFR Parts 379 and 399

[Docket No. 50838-5138]

Revisions to the Commodity Control List Based on COCOM Review; Electronics and Precision Instruments

AGENCY: Office of Export Administration, International Trade Administration, Department of Commerce.

ACTION: Final rule.

SUMMARY: The Office of Export Administration maintains the Commodity Control List (CCL), which identifies those items subject to Department of Commerce export controls. This rule revises several List entries in the categories of Electronics and Precision Instruments.

These revisions resulted from a review of strategic controls maintained by the U.S. and certain allied countries through the Coordinating Committee (COCOM). Such multilateral controls restrict the availability from abroad of strategic items to potential adversaries. With the concurrence of the Department of Defense, the Department of Commerce has determined that these revisions to the CCL are necessary to protect U.S. national security interests.

EFFECTIVE DATE: This rule is effective September 11, 1985.

FOR FURTHER INFORMATION CONTACT: Vincent Greenwald, Exporter Assistance Division, Office of Export Administration, Telephone: (202) 377-3856. For questions of a technical nature regarding electronics and precision instruments, call Randy Williams, Scientific and Electronic Equipment Division, Office of Export Administration, Telephone: (202) 377-3109.

SUPPLEMENTARY INFORMATION:

Regulatory Changes

Equipment controlled for export by the Department of Commerce that is affected by the latest COCOM agreement includes the following:

Navigation, direction-finding, radar and airborne communication equipment; Single- and multi-channel communication transmission equipment; Radio relay communication equipment;

Lasers and laser systems;

Cable and optional fibers;

Electronic measuring, calibrating counting, testing, and/or time interval measuring equipment;

Frequency synthesizers;

Electronic vacuum tubes (valves); Electronic component assemblies, sub-assemblies, printed circuit boards, and substrates and microcircuits; and Recording or reproducing equipment.

Changes to the export licensing requirements for items on the Commodity Control List include:

(1) Revision of the validated license controls on certain types of navigation, direction finding, radar and airborne communication equipment (ECCN 1501A);

(2) New validation license controls over certain types of receivers incorporating digital signal processing (ECCN 1516A);

(3) New validated license controls over certain types of statistical multiplexers (ECCN 1519A);

(4) Clarification of export controls on certain radio relay communications equipment by setting out the characteristics of certain equipment not subject to validated license controls (ECCN 1520A);

(5) Revision of the validated license controls on certain electron tubes and specially designed components therefor (ECCN 1555A);

(6) Clarification of export controls on certain hydrogen/hydrogen isotope thyatrons by setting out characteristics of those thyatrons subject to validated license controls (ECCN 1559A);

(7) New validated license controls on certain types of ceramic microcircuit packages (ECCN 1564A);

(8) Addition of validated license controls on certain magnetometer test facilities and magnetic compensation systems (ECCN 1571A);

(9) Lifting of validated license controls on certain types of floppy diskettes (ECCN 1572A); and

(10) Establishment of a new CCL entry controlling certain superconductive electromagnets and solenoids (ECCN 1573A) and an entry controlling certain other cryogenic electronic devices, circuits and systems (ECCN 1574A).

Saving Clause

Shipments of items removed from general license authorization as a result of this regulation that were on dock for lading, on lighter, laden aboard an exporting carrier, or en route aboard a carrier to a port of export pursuant to actual orders for export before September 25, 1985, may be exported under the general license provisions up to and including October 9, 1985. Any such items not actually exported before

midnight October 9, 1985 require a validated export license.

Rulemaking Requirements

1. This rule is exempted from the provisions of the Administrative Procedure Act requiring notice of proposed rulemaking, an opportunity for public participation, and a delay in effective date (5 U.S.C. 553) pursuant to section 13(a) of the Export Administration Act of 1979, as amended. This regulation also involves a foreign and military affairs function of the United States.

2. This rule contains a collection of information requirement under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* Applicants for the validated export license required by this rule will use Form ITA-622P. The collection of this information has been approved by the Office of Management and Budget under control number 0625-0001.

3. Because a notice of proposed rulemaking is not required for this rule, it is not a rule within the meaning of section 601(2) of the Regulatory Flexibility Act, 5 U.S.C. 601(2) and is not subject to the requirements of that Act. Accordingly, no initial or final Regulatory Flexibility Analysis has been or will be prepared.

4. Because this rule concerns a foreign and military affairs function of the United States, it is not a rule or regulation within the meaning of section 1(a) of Executive Order 12291 and, accordingly, is not subject to the requirements of that Order. Therefore, no preliminary or final Regulatory Impact Analysis has been or will be prepared.

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

List of Subjects in 15 CFR Parts 379 and 399

Exports, Science and technology.

Accordingly, Parts 379 and 399 of the Export Administration Regulations are amended as follows:

PART 379—[AMENDED]

1. The authority citation for 15 CFR Part 379 is revised to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.*, as amended by Pub. L. 97-145 of December 29, 1981 and by Pub. L. 99-64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985).

2. Supplement No. 3 to Part 379, "Computer Software", is amended by

revising the phrase "sub-paragraph (a)(2), (a)(3), (b)(5)(v), or (b)(5)(vi)" to read "sub-paragraph (a)(2) or (a)(3)" in paragraph (b)(1)(i)(B); by revising the phrase "Advisory Note 5" to read "Advisory Note 3" in paragraph (a)(3)(i) of the Advisory Note 10; and by adding a paragraph (c) under "List of Software Subject to this Supplement to Part 379", as follows:

Supplement No. 3—Computer Software

- (a) * * *
- (b) * * *
- (c) "Specially designed software" for equipment, as follows:
 - (1) Navigation and direction finding equipment controlled under ECCN 1501A(b);
 - (2) Radar equipment controlled under ECCN 1501A(c);
 - (3) Equipment controlled under ECCN 1502A;
 - (4) Equipment controlled under ECCN 1510A;
 - (5) Equipment controlled under ECCN 1516A;
 - (6) Equipment controlled under ECCN 1519A;
 - (7) Equipment controlled under ECCN 1520A;
 - (8) Equipment controlled under ECCN 1567A;

Advisory Notes.— * * *

PART 399—[AMENDED]

3. The authority citation for 15 CFR Part 399 continues to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.*, as amended by Pub. L. 97-145 of December 29, 1981 and by Pub. L. 98-64 of July 12, 1985; E.O. 12525 of July 12, 1985 [50 FR 28757, July 16, 1985].

Supplement No. 1 [Amended]

4. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1501A is amended by adding a NOTE under the heading and revising the *GLV \$ Value Limit* and the List of Navigation, Direction Finding . . . Equipment Controlled by ECCN 1501A, to read as follows:

1501A Navigation, direction finding, radar and airborne communication equipment

Note.—See also ECCNs 1485A (b) and (i), 1573A and 1574A.

GLV \$ Value Limit: \$2,000 for Country Groups T & V, except \$0 for the People's Republic of China and Afghanistan; \$0 for all other destinations.

List of Navigation, Direction Finding, Radar and Airborne Communication Equipment Controlled by ECCN 1501A

(a) Airborne communication equipment having any of the following characteristics, and specially designed components therefor:

(1) Designed to operate at frequencies greater than 156 MHz;

(2) Incorporating facilities for:

(i) The rapid selection of more than 200 channels per equipment; or

(ii) Equipment using frequency synthesis techniques (see also ECCN 1531), *except equipment operating in the frequency range of 108 to 136 MHz with 720 channels or fewer at not less than 25 KHz spacing, that has been in normal civil use for at least one year;*

(3) Rated for continuous operation over a range of ambient temperatures extending from below -55°C to above $+55^{\circ}\text{C}$; or

(4) Designed for modulating methods employing any form of digital modulation using time and frequency redundancy such as "Quantized Frequency Modulation" (QFM);

(b) Navigation and direction finding equipment, as follows, specially designed components therefor, and specialized testing, calibrating and training/simulating equipment therefor:

(1) Airborne navigation and direction finding equipment having the following characteristics:

(i) Designed to make use of "Doppler" frequency phenomena;

(ii) Utilizing the constant velocity and/or rectilinear propagation characteristics of electromagnetic waves having frequency less than 4×10^{14} Hz (wavelength 0.75 micron);

(iii) Radio altimeters having the following characteristics:

(a) Pulse modulated;

(b) Frequency modulated having a displayed electrical output accuracy better than ± 3 feet (± 0.914 m) over the range between 0 and 100 feet (30.4 m) or better than ± 3 percent above 100 feet (30.4 m); or

(c) Frequency modulated that have been in normal civil use for less than one year;

Technical Note.—The accuracy is related to that provided by the electrical output circuits of the altimeter at any altitude. The word "accuracy" also refers to the equipment's accuracy over time. This accuracy over time is defined for the instrument itself without reference either to a calibrated value or to a designated electrical value.

(iv) Direction finding equipment operating at frequencies greater than 5 MHz;

(v) Rated for continuous operation over a range of ambient temperatures

extending from below -55°C to above $+55^{\circ}\text{C}$;

Notes.—Reserved.

2. Direction finding equipment specially designed for search and rescue purposes and operating at a frequency of 121.5 MHz or 243 MHz is not covered by this sub-paragraph (b). This exclusion also applies to personal locator beacons operating in this form that may also have an additional channel selected for voice mode only.

(2) Ground and marine equipment for use with airborne navigation equipment utilizing the constant velocity and/or the rectilinear propagation characteristics of electromagnetic waves having frequency less than 4×10^{14} Hz (wavelength 0.75 micron);

(3) Ground and marine direction finding equipment operating at frequencies greater than 30 MHz; and

(4) Timing receivers whose only function is automatically providing time derived from satellite signals to within 1 millisecond of Universal Coordinate Time (UCT) or better;

(5) Ground or marine navigation and geodetic positioning systems designed for use with satellite-provided timing, positioning or navigation information;

(c) Radar equipment as follows, and specially designed components, specialized testing, calibrating and training/simulating equipment: (For lidar equipment, see ECCN 1522A.)

(1) Airborne radar equipment; or

(2) Ground and marine radar equipment having one or more of the following features:

(i) Operating at a frequency not in normal civil use or at a frequency or more than 10.5 GHz;

(ii) Operating at a frequency of less than 1.5 GHz and having a peak output power from the transmitter greater than 2.5 MW; or operating at a frequency within the range of 1.5 to 3.5 GHz and having a peak output power from the transmitter greater than 1.5 MW; or operating at a frequency within the range of 3.5 to 6 GHz and having a peak output power from the transmitter greater than 1 MW; or operating at a frequency within the range of 6 to 10.5 GHz and having a peak output power from the transmitter greater than 500 kW;

(iii) Operating at a frequency of less than 3.5 GHz and having an 80 percent or better probability of detection for a 10 sq. meter target at a free space range of 250 nautical miles; or operating at a frequency within the range of 3.5 to 10.5 GHz and having an 80 percent or better probability of detection for a 10 sq. meter target at a free space range of 100 nautical miles;

Technical Note.—Probability of detection is determined on the principle on which it is based, according to the following parameters:

- (a) Radial closing velocity of the target: 2,000 feet per second (610 meters per second);
- (b) Probability of false alarm: 10^{-4} ;
- (c) Operator factor: 3 db; and
- (d) Fluctuation of the target in accordance with Rayleigh distribution.

(iv) Utilizing other than pulse modulation with a constant and/or staggered pulse repetition frequency, in which the carrier frequency of the transmitter signal is not changed deliberately between groups of pulses, from pulse to pulse or within a single pulse, *except civil commercial airport radars using a carrier frequency that may change from pulse to pulse between two fixed frequencies separated in time and in frequency by constant magnitudes;*

(v) Utilizing a Doppler technique for any purpose, other than M.T.I. systems using a conventional double or triple pulse delay line cancellation technique, *except those utilized for surveillance and control radars for aerial navigation in civil airports;*

(vi) Including any digital signal processing techniques used for automatic target tracking, or having a facility for electronic tracking;

(vii) Including signal processing techniques other than those covered by paragraph (c)(2)(vi) above, that have been in normal civil use for a period of less than two years; or

(viii) In the case of ground radar, having been in commercial use for a period of less than one year.

Note.—See also paragraphs (b) and (h) of the List of ECCN 1485A and paragraphs (b) and (c) of the List of ECCN 2120A.

Note 1.—This ECCN does not control the following:

(a) Standard commercial airborne equipment listed in subparagraph (b)(1)(ii) above needed to equip civil aircraft or as normal standard equipment incorporated in civil aircraft being exported for civil commercial use, provided such equipment is in conformity with ICAO standards and assures no function exceeding those resulting from such standards, is not designed to use satellite-broadcast navigation signals and is not designed to make use of hyperbolic grids at frequencies greater than 3 MHz. (Standard commercial airborne equipment designed to make use of hyperbolic grids at frequencies of less than 3 MHz may be exported if coordinate conversion equipment, that has been in normal civil use for less than one year or could not be shipped under the provisions of ECCN 1565, is not included and is not separately supplied.) Normal civil equipment released by this paragraph consists of: marker beacons, ILS, VOR ("OMNI"), Omega, Loran A and B.

(b) Ground and marine equipment listed in subparagraph (b)(2) above, for use with airborne navigation equipment using the

constant velocity or rectilinear propagation characteristics of electromagnetic waves having a frequency less than 4×10^{14} Hz (wavelength 0.75 micrometer), provided the ground equipment is for use at civil airports or for civil use in association with civil airborne equipment, and:

- (1) Is in conformity with ICAO standards and assures no function exceeding those resulting from such standards;
- (2) Is not designed to make use of hyperbolic grids at frequencies greater than 3 MHz;

(c) Equipment listed in subparagraph (b)(5) of this ECCN restricted to use with TRANSIT satellite systems or other uncontrolled systems that is not also controlled by subparagraph (b)(4) of this ECCN;

(d) Secondary radar equipment controlled by subparagraph (c) of this ECCN specially designed for civil air traffic identification and control purposes;

(e) Equipment assemblies for civil marine automatic radar plotting aids or electronic relative motion analyzers designed to achieve the requirements published by the International Maritime Organization in accordance with the Safety of Life at Sea (SOLAS) conventions, provided the designed tracking speeds do not exceed relative values of greater than 150 knots (77.1 meters/second);

(f) Ground radar of the hand-held or automobile-mounted type used for vehicle speed monitoring by police authorities and operating in the frequency band from 10.5 to 10.55 GHz.

Note 2.—Specialized testing or calibrating equipment shipped pursuant to the various exception clauses in the ECCN shall be limited to equipment:

- (a) Shipped with operational equipment for which exception clause is intended; or
- (b) Specifically for such operational equipment that has previously been exported.

(Advisory) Note 1.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of commercial airborne equipment needed to equip civil aircraft or as normal standard equipment incorporated in civil aircraft being exported for civil commercial use, and containing neither of the characteristics in paragraph (a)(4) of the ECCN. Applications for licenses issued by virtue of this Note should include identification of aircraft for which this equipment is intended.

(Advisory) Note 2.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of navigation equipment controlled by paragraph (b)(1)(i) of this ECCN, provided that it is to be installed in civil aircraft or helicopters and is normal standard equipment of a type installed in civil aircraft or helicopters. Applications for licenses issued by virtue of this Note should include identification of aircraft for which the equipment is intended.

(Advisory) Note 3.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of standard commercial airborne equipment listed in subparagraphs (b)(1)(ii) and (iii) of this ECCN needed to equip civil aircraft or as normal standard equipment incorporated in civil

aircraft being exported for civil commercial use, provided that such equipment is equivalent in all characteristics and performance to standard equipment of aircraft not subject to export controls, and:

- (a) (For Loran-C equipment covered by subparagraph (b)(1)(ii) of the ECCN), is in conformity with ICAO standards, assures no function exceeding those resulting from such standards, and is not designed to make use of hyperbolic grids at frequencies greater than 3 MHz. Standard commercial airborne equipment designed to make use of hyperbolic grids at frequencies of less than 3 MHz may be exported if "coordinate conversion equipment" that has been in normal civil use for less than one year or could not be shipped under the provisions of ECCN 1565A, is not included and is not separately supplied; or

Technical Note.—By "coordinate conversion equipment" is meant electronic equipment designed to compute the position of the aircraft in one coordinate system when furnished position information in another coordinate system.

- (b) For equipment covered by sub-item (b)(1)(iii) of this ECCN, are frequency-modulated radio altimeters that have been in normal civil use for a period of more than one year.

(Advisory) Note 4.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of equipment controlled for export by paragraph (b)(3) of this ECCN when the three following conditions are met:

- (a) The equipment is to be installed at civil airports or for use on civil air routes;
- (b) The equipment is designed to operate at frequencies between 30 MHz and 157 MHz, excluding single side band equipment;
- (c) The equipment employs a loop system or a system employing a number of spaced vertical aerials uniformly disposed around the circumference of a circle, excluding electronically commutated types.

(Advisory) Note 5.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of equipment controlled for export by paragraph (c)(1) of the ECCN when it is to be installed in civil aircraft, provided that this equipment:

- (a) Has been in normal commercial service for at least one year;
- (b) Is specially designed for use as a commercial weather radar;
- (c) Is a normal and reasonable equipment for such civil aircraft;
- (d) Does not contain significant advanced technology of strategic value for other applications.

Applications for licenses issued by virtue of this Note should include identification of aircraft for which this equipment is intended.

(Advisory) Note 6.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of the following:

- (a) Radar equipment controlled for export only by paragraph (c)(2) (i), (ii) or (iii) of this

ECCN, provided that both of the following conditions are met:

(1) It is specially designed for the surveillance and coordination of airfield surface traffic; and

(2) It is to be installed at airports operating scheduled commercial flights;

(b) Radar equipment controlled for export only by paragraph (c)(2) (ii) or (iii) of this ECCN, or both, provided that all the following conditions are met:

(1) Operating at a frequency of not more than 1.5 GHz and having a peak output power from the transmitter not greater than 5 MW; or operating at a frequency within the range of 1.5 to 3.5 GHz and having a peak output power not greater than 2.5 MW;

(2) Having an 80% or better probability of detection for a 10 sq. m. target at a free space range of 270 nautical miles;

(3) Having a pulse repetition frequency exceeding 300 pulses per second;

(4) It is to be installed for air traffic control of scheduled international commercial flights;

(c) Radar equipment controlled for export only by paragraph (c)(2) (iv) or (v) of this ECCN, provided that it is to be installed for air traffic control purposes in international airports and has been in normal civil use for a period of not less than three years;

(d) Radar equipment controlled for export only by paragraph (c)(2)(vi) of this ECCN, provided that it is specially designed for marine, harbor or meteorological use, or has been in normal civil use for not less than three years;

(e) Radar equipment controlled for export only by paragraph (c)(2)(vii) of this ECCN, provided that it is specially designed for marine (or harbor) use, or radar equipment controlled for export only by paragraph (c)(2) (vii) or (viii) of this ECCN, or both, provided that it is specially designed for meteorological observation.

5. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1502A is amended by revising the heading, the *GLV \$ Value Limit*, and the list of Equipment Controlled by ECCN 1502A, as follows:

1502A Communication, detection or tracking equipment of a kind using ultraviolet radiation, infrared radiation or ultra-sonic waves, and specially designed components therefor.

GLV \$ Value Limit: For police-model infrared viewers, the \$ value limit is \$1,000 only to Australia, Japan, New Zealand and members of NATO, and \$0 to all other destinations. For items other than police-model infrared viewers, the \$ value limit is \$1,000 to Country Groups T & V, except \$0 to the People's Republic of China; \$0 to all other destinations.

List of Equipment Controlled by ECCN 1502A

Communication, detection or tracking equipment of a kind using ultraviolet radiation, infrared radiation or

ultrasonic waves, and specially designed components, *except—*

(a) *Ultrasonic devices that operate in contact with a controlled material to be inspected, or that are used for industrial cleaning, sorting or materials handling, industrial and civilian intrusion alarm, traffic and industrial movement control and counting systems, medical applications, emulsification, homogenization, or simple educational or entertainment devices;*

(b) *Underwater ultrasonic communications equipment designed for operation with amplitude modulation and having a communications range of 500 m or less (Sea State 1), a carrier frequency of 40 to 60 kHz and a carrier power supplied to the transducer of 1 W or less;*

(c) *Industrial equipment employing cells not described in ECCN 1548;*

(d) *Industrial and civilian intrusion alarm, traffic and industrial movement control and counting systems;*

(e) *Medical equipment;*

(f) *Industrial equipment used for inspection, sorting or analysis of the properties of materials;*

(g) *Simple educational or entertainment devices that employ photo cells;*

(h) *Flame detectors for industrial furnaces;*

(i) *Equipment designed for measuring radiated power or energy for laboratory, agricultural or industrial purposes using a single detector cell with no scanning of the detector and single detector cell assemblies or probes specially designed therefor, having a response time constant exceeding 1 microsecond;*

(j) *Infrared geodetic equipment, provided that equipment uses a lighting source other than a laser and is manually operated, or uses a lighting source (other than a laser or a light-emitting diode) remote from the measuring equipment; and specialized parts therefor.*

(k) *Equipment for non-contact temperature measurement for laboratory or industrial purposes utilizing a single detector cell with no scanning of the detector;*

(l) *Instruments capable of measuring radiated power or energy having a response time constant exceeding 10 milliseconds; and*

(m) *Infrared or ultraviolet sensing devices, not otherwise controlled for export by Supp. No. 2 to Part 370 of the Export Administration Regulations, containing image intensifiers controlled for export by ECCN 1555 of the Commodity Control List.*

(For communications equipment employing fiber optics, see ECCN 1519A.)

6. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1505A is amended by revising the *GLV \$ Value Limit* to read: "\$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations."

7. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1510A is amended by revising the heading and adding a Note, revising the *GLV \$ Value Limit*, and revising the introductory paragraph and paragraphs (a) and (b) of the List of Systems and Equipment Controlled by ECCN 1510A, redesignating the Advisory Notes 1 and 2 as "(Advisory) Notes 6 and 7", and adding Notes 1-5 as follows:

1510A Marine or terrestrial acoustic or ultrasonic systems or equipment specially designed for detecting or locating underwater or subterranean objects or features, and specially designed components of such systems or equipment (including but not limited to geophones (except moving coil or moving magnet electro-magnetic geophones), hydrophones, transducers, towed hydrophone arrays and beamformers) therefor, except those systems or equipment listed below.

Note.—For "specially designed software", See Supp. No. 3 to Part 379.

GLV \$ Value Limit: \$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

List of Systems and Equipment Controlled by ECCN 1510A

Marine or terrestrial acoustic or ultrasonic systems or equipment specially designed for detecting or locating underwater or subterranean objects or features, and specially designed components of such systems or equipment (including but not limited to geophones (except moving coil or moving magnet electro-magnetic geophones), hydrophones, transducers, towed hydrophone arrays and beamformers) therefor, *except:*

(a) *Marine systems or equipment, of the following description:*

(1) *Active (transmitting, or transmitting and receiving) systems or equipment, including but not limited to depth sounders and fish-finders and*

their associated beamformers with the following characteristics:

(i) Depth sounders used solely for measuring the depth of water or the distance of submerged and/or buried objects or fish and/or whales vertically below the apparatus;

(ii) Horizontally operated fish, whale or object detection and/or location systems, having all of the following characteristics:

(A) Transmitting frequency of 15 kHz or greater;

(B) Sound pressure level less than 250 dB (reference 1 micropascal at 1 meter) for equipment with operating frequency between 15 and 30 kHz, with no decibel limitation for equipment operating at frequencies of 30 kHz or higher;

(C) Transmission capability limited to ± 10 percent of the design center frequency;

(D) Not designed to withstand pressure during normal operation at depths greater than 1,000 meters;

(E) Displaying a range of 5,000 meters or less;

(iii) Electronic noise sources for vertically directional use only, or mechanical (e.g., air gun or vapor-shock gun) or chemical (e.g., explosive) noise sources

(2) Passive (receiving whether or not related in normal application to separate active equipment) acoustic hydrophones and/or transducers having all of the following characteristics:

(i) Incorporating sensitive elements made of piezoelectric ceramics or crystal, and with a sensitivity no greater than -192 dB (reference 1 volt per micropascal);

(ii) Not designed for operation at depths greater than 100 meters;

(iii) Independently mounted or configured and not reasonably capable of assembly by the user into a towed hydrophone array.

(b) Terrestrial systems or equipment having both of the following characteristics:

(1) Not reasonably capable of conversion by the user to underwater or marine applications controlled for export by this ECCN;

(2) Not employing geophones or other transducers controlled for export by this ECCN.

Note 1.—Signal and data-processing parameters for related equipment are defined in ECCNs 1529A and 1565A, and parameters for related cable in ECCN 1526A.

Note 2.—Magnetic detection and locating apparatus is covered by ECCN 1571A.

Note 3.—Reserved.

Note 4.—Reserved.

Note 5.—Passive hydrophone sensitivities cited in this ECCN are based on sensitivity

being defined as 20 times the logarithm to the base 10 of the ratio of rms output voltage to a 1 volt reference, when the hydrophone sensor is placed in a plane wave acoustic field having an rms pressure of 1 micropascal. For example, a hydrophone of -160 dB (reference 1 volt per micro-pascal) would yield an output voltage of 10^{-8} volts in such a field, while one of -180 dB sensitivity would yield only 10^{-10} volts output.

(Advisory) Note 6.—* * *

(Advisory) Note 7.—* * *

8. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 5510D is amended by revising the *GLV \$ Value Limit* to read "\$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations."

9. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1514A is amended by revising the heading and the *GLV \$ Value Limit* to read as follows:

1514A Pulse modulators capable of providing electric impulses of peak power exceeding 20 MW or of a duration of less than 0.1 microsecond, or with a duty cycle in excess of 0.005; and pulse-transformer, pulse-forming equipment or delay lines being specially designed components of such modulators.

GLV \$ Value Limit: \$2,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

10. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1516A is amended by revising the heading, *GLV \$ Value Limit*, and the List of Receivers . . . Controlled by ECCN 1516A, as follows:

1516A Receivers, and specially designed components and accessories therefor. (For instruments using time compression of the input signal or FFT techniques associated with receivers, see ECCN 1529A(b)(4).)

GLV \$ Value Limit: \$1,000 for Australia, Japan, New Zealand, and members of NATO; \$0 for all other destinations.

List of Receivers and Specialized Parts and Accessories Controlled by ECCN 1516A

(a) Panoramic radio receivers that search or scan automatically a part of the electromagnetic spectrum and

indicate or identify the received signals; *except ancillary equipment for commercial receivers with which the frequency searched does not exceed a bandwidth of 20 MHz or does not incorporate a raster or storage display capability;*

(b) Digitally-controlled radio receivers, whether or not computer controlled, that search or scan automatically a part of the electromagnetic spectrum, in which the switching operation takes less than 10 milliseconds, and that indicate or identify the received signals, *except non-ruggedized digitally controlled preset type radio receivers designed for use in civil communications having 200 selective channels or fewer. (For digitally controlled radio receivers using frequency synthesizers, also see ECCN 1531A); or*

(c) Receivers for spread spectrum and frequency agile systems having a total transmitted bandwidth that is:

(1) 100 or more times greater than the bandwidth of any one information channel; and

(2) In excess of 50 kHz.

(d) Receivers incorporating digital signal processing, *except receivers specially designed for internationally allocated civil frequency bands only and that do not permit user-accessible reprogrammability of the digital signal-processing circuits;*

Technical Note 1.—"Spread spectrum" is defined as the technique whereby energy in a relatively narrow-band communications channel is spread over a much wider energy spectrum under the control of a random or pseudo-random bit stream. On receipt, the signal is correlated with the same bit stream to achieve the reverse process of reducing the bandwidth to its original form. By allocating different bit streams to different subscribers transmitting simultaneously, significantly greater use can be made of available bandwidth.

Technical Note 2.—"Frequency agility" (or frequency hopping) is another form of spread spectrum in which the transmission frequency of a single communications channel is made to change by discrete steps under the control of a similar bit stream. (Also see ECCN 1517A(c).)

Note.—This ECCN does not control radio frequency spectrum analyzers (see ECCN 1533A) or field strength meters (see ECCN 1529A).

Advisory Note.—Applications for validated export licenses generally will be considered favorably on a case-by-case basis unless there is evidence that the government of the importing country may have violated internationally recognized human rights and that the judicious use of export controls would be helpful in deterring the development of a consistent pattern of such

violations or in distancing the United States from such violations.

11. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1517A is amended by revising the heading, *GLV \$ Value Limit*, and List of Radio Transmitters . . . Controlled by ECCN 1517A, as follows:

1517A Radio transmitters, except radio relay communications equipment (for which see ECCN 1520A), and specially designed components therefor.

GLV \$ Value Limit: \$2,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

List of Radio Transmitters and Components Controlled by ECCN 1517A

(a) Transmitters or transmitter-amplifiers designed to operate at output frequencies greater than 960 MHz;

(b) Transmitters or transmitter-amplifiers designed to provide any of the following features:

(1) Any system of pulse modulation (that does not include amplitude-, frequency- or phase-modulated television or telegraphic transmitters or pulse-width modulated sound broadcasting transmitters);

(2) Rated for operation over a range of ambient temperatures extending from below -40 °C to above +60 °C;

(c) Transmitters for spread spectrum and frequency agile systems having a total transmitted bandwidth that is (For the definition of "spread spectrum" and "frequency agility", see Technical Notes 1 and 2 to ECCN 1516A.);

(1) 100 or more times greater than the bandwidth of any one information channel; and

(2) In excess of 50 kHz.

(For quartz crystals, see ECCN 1567A; for radio transmitters incorporating transmitter drive units, exciters, and master oscillators using frequency synthesis, see also ECCN 1531A.)

Note.—This ECCN does not control the following transmitters or transmitter-amplifiers, or systems containing such equipment, accessories and sub-assemblies therefor:

(a) Specially designed for medical applications and operating at I.S.M. frequencies;

(b) Having an output power of not more than 10 W, specially designed for:

(1) Industrial or civil intrusion detection and alarm;

(2) Industrial and traffic detection, counting, speed measurement, identification and movement control;

(3) Carrying the information from the equipment above, or the information of environmental, air or water, pollution detection or measurement systems.

(c) Transmitters using wideband amplifiers designed for non-frequency agile civil applications, such as television and mobile service.

12. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1518A is amended by revising the *GLV \$ Value Limit* to read "\$2,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations."

13. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1519A is amended by revising the heading, *GLV \$ Value Limit* and List of Equipment Controlled by ECCN 1519A, as follows:

1519A Single- and multi-channel communication transmission equipment, including terminal, intermediate amplifier or repeater equipment and multiplex busses and multiplex equipment used for communications within or between communication or other equipment and systems by line, cable, optical fiber or radio means, and associated modems and multiplex equipment.

GLV \$ Value Limit: \$2,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

List of Equipment Controlled by ECCN 1519A

(a) Employing analog transmission techniques with analog input and output, designed to deliver, carry or receive baseband frequencies higher than 19 MHz into, or in, a communications system, but only higher than 300 kHz for equipment suitable for use with underwater cable (analog transmission techniques include, inter alia, frequency division multiplex (FDM));

(b) Employing digital transmission techniques designed for operation at a total bit rate at the highest level multiplex point exceeding 8.5 Megabits per second, with analog input and output, designed for use on communications circuits:

Notes.—1. *Reserved.*

2. Digital transmission techniques include, inter alia, pulse code modulation (PCM).

(c) Data communications equipment employing digital transmission with digital input and output, including telegraphic and data transmission,

having any of the following characteristics:

(1) Designed for operation at a data signalling rate in bits per second, excluding servicing and administrative channels, numerically exceeding either:

(i) When using FDM voice channel:

(a) 9,600; or

(b) 320% of the channel (or sub-channel) bandwidth in hertz; or

(ii) When using baseband: 19,200;

(2) Employing an automatic error detection and correction system having both of the following characteristics:

(i) Retransmission not required for correction; and

(ii) A data signalling rate exceeding 300 bits per second; and

(3) Statistical multiplexers designed for operation at a "data signalling rate" in bits per second, excluding servicing and administrative channels, numerically exceeding either:

(i) 4,800; or

(ii) 160% of the channel (or sub-channel) bandwidth in hertz;

Notes.—1. This sub-item is not intended to cover frequency division multiplexers used to subdivide a voice channel or data channels not exceeding the limits of (c)(1) above.

2. For statistical multiplexers that satisfy the definitions of either "data (message) switching" or "stored-program-controlled circuit switching", as well as for the definitions of these terms, see ECCN 1567A.

(d) Components and accessories specially designed for the above equipment, and test equipment specially designed for the equipment covered by (b) above. (See ECCN 1526A for connectors, including wave-length multiplexers.)

Technical Note 1.—"Data signalling rate" is as defined in ITU Recommendation 53-36, taking into account that for non-binary modulation, "bauds" and "bits per second" are not equal. Bits for coding, checking and synchronization function are to be included.

Technical Note 2.—In the case of data communications equipment designed to operate in one voice channel, "bandwidth" will normally be as defined in CCITT Recommendation G.151, namely 3,100 Hz. In the case of CCITT or CCIR voice frequency telegraph systems, "bandwidth" may be considered as the number of channels times the channel spacing.

(Advisory) Note 1.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of equipment controlled by sub-paragraph (a) of this ECCN and specially designed components and accessories therefor, as follows:

(a) Equipment specially designed for the transmission of television signals by cable between camera and studio or between studio and television transmitter not exceeding 50 miles (80 km) for a link with respect to any one installation. (For radio relay links, see ECCN 1520A.)

(b) Equipment to be used for closed circuit television or television distribution (community aerial systems and cable television systems) with an upper frequency limit of 960 MHz.

(c) Equipment designed to deliver, carry or receive baseband frequencies up to an including 62 MHz.

Note 2.—This ECCN does not cover:

(a) Telemetering, telecommand and telegraphing equipment designed for industrial purposes, together with data transmission equipment not intended for the transmission of written or printed text and specially designed components, accessories and test equipment therefor. By telemetering, telecommand and telegraphing equipment is meant sensing heads for the conversion of information into electrical information, the systems used for its long-distance transmission, the processes used to translate electrical information into coded data (telemetering), into control signals (telecommand), and into display signals (telegraphing);

(b) Facsimile equipment other than that controlled for export by ECCN 1527A;

(c) Equipment employing exclusively the direct current transmission technique;

(d) Electronic measuring equipment suitable for use with PCM transmission equipment defined in CCITT Recommendation series G.700 to 746 (ITU Geneva) for PCM up to 8.5 Megabits per second.

(Advisory) Note 3.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of equipment controlled by sub-paragraph (b) of the List above, and components, accessories, sub-assemblies and cable therefor, provided that:

(a) The equipment is to be used in non-strategic applications;

(b) The equipment is for other than underwater use;

(c) The equipment is to be permanently installed in a non-fiber optic circuit operated by the civilian authorities of the importing country; and

(d) The equipment is to be used for general commercial traffic, as follows:

(1) A total digital bit rate at the highest level multiplex point of 45 Megabits per second or less; and

(2) Either of the following—

(i) A total number of voice channels per each physical bearer (wire or radio) of 672 or less; or

(ii) A monochrome or color television channel with a maximum nominal bandwidth of 6 MHz, and associated sound channels;

(e) *Reserved.*

(Advisory) Note 4.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of electronic measuring and test equipment suitable for use with PCM transmission equipment defined in CCITT Recommendation series G.700 to 746 (ITU Geneva) for PCM over 8.5 Megabits per second and up to 45 Megabits per second.

14. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1520A is amended

by revising the heading and the *GLV \$ Value Limit* and by adding a List of Equipment Controlled by ECCN 1520A, as follows:

1520A Radio relay communication equipment, specially designed test equipment, and specially designed components and accessories therefor.

GLV \$ Value Limit: \$2,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

List of Equipment Controlled by ECCN 1520A

(a) Radio relay communication equipment designed for use at frequencies exceeding 960 MHz, *except:*

(1) *Microwave radio links for fixed civil installations operating at fixed frequencies not exceeding 15 GHz, with a capacity of up to 1,920 voice channels of 4 kHz each or of a television channel of 6 MHz maximum nominal bandwidth and associated sound channels;*

(2) *Ground communication radio equipment for use with temporarily fixed services operated by the civilian authorities of the importing country and designed to be used at fixed frequencies not exceeding 15 GHz with a power output of not more than 5 W;*

(b) Stand-alone radio transmission media simulators/channel estimators, especially designed for testing equipment covered by sub-paragraph (a) above, *except those in which the adjustments are only made manually.*

(Advisory) Note 1. Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of equipment, and specially designed components and accessories therefor, covered by sub-paragraph (a) of the List above, specially designed for the transmission of television signals between camera and studio or between studio and television transmitter, and not exceeding a line-of-sight distance with respect to any one installation.

(Advisory) Note 2.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of equipment, and specially designed components and accessories therefor, covered by sub-paragraph (a) of this ECCN, to be permanently installed in a circuit operated by the civilian authorities of the importing country for civil television transmission or for general commercial traffic, provided that:

(a) Associated multiplex equipment is considered separately under the provisions of ECCN 1519A; and

(b) No equipment with a base bandwidth exceeding the limits set forth in Note 1(c) to ECCN 1519A is included.

(Advisory) Note 3.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of equipment,

and specially designed components and accessories therefor, covered by sub-paragraph (a) of the List above for communications satellite earth stations, provided that it is to be installed for operation in the framework of an INTELSAT, MARISAT, EUTELSAT or INMARSAT satellite communication system.

(Advisory) Note 4.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of equipment, and specially designed components and accessories therefor, covered by sub-paragraph (a) of the List above with a maximum capacity of 1,920 voice channels of 4 kHz each, for industrial use (e.g., remote supervision, control and metering of oil and gas pipelines), public utility service (e.g., electricity networks) including telephone channels for the operation of such networks and the engineering service circuits required for the maintenance of telecommunications links.

(Advisory) Note 5.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of tropospheric scatter communication equipment, and specially designed components and accessories therefor, covered by sub-paragraph (a) of the List above, provided that it will be permanently installed at specified sites for civil communication purposes and has all of the following characteristics:

(a) Fixed frequency of 2.7 GHz or less;

(b) Frequency modulation;

(c) Power amplifier output of 10 kW or less.

15. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1521A is amended by revising the heading and the *GLV \$ Value Limit* and by adding NOTES, reading as follows:

1521A Solid-state broadband amplifiers and related equipment having an untuned bandwidth exceeding 100 MHz or an output power exceeding 50 W, and specially designed components and accessories therefor.

GLV \$ Value Limit: \$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

Technical Note.—The bandwidth is defined as the band of frequencies over which the power amplification does not drop to less than one-half of its maximum value.

Notes: 1.—This ECCN does not control the following amplifiers and specially designed components and accessories therefor:

(a) Those specially designed for civil television receivers (aerial amplifier);

(b) Those specially designed for community television distribution systems;

(c) Those operating in the range of 380 to 512 MHz and designed for civil communication equipment, provided that the power output does not exceed 20 W;

(d) Those with an output power exceeding 50 W when:

(1) Designed for use in radio communication equipment for frequencies not exceeding 32 MHz; or

(2) Having a bandwidth of 10 MHz or less.

2. For amplifiers designed to operate at frequencies above 1 GHz, see ECCN 1537A.

3. For parametric amplifiers, see ECCN 1537A.

4. For amplifiers specially designed for and intended to work with oscilloscopes, see ECCN 1584A.

16. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1522A is amended by revising the *GLV \$ Value Limit* and the List of Lasers . . . Controlled by ECCN 1522A, as follows:

1522A Lasers and laser systems, and equipment containing them.

GLV \$ Value Limit: \$1,000 for Country Groups T&V, except \$0 for the People's Republic of China; \$0 for all other destinations.

List of Lasers and Laser Systems Controlled by ECCN 1522A

(a) Lasers and specially designed components therefor, including amplification stages, *except the following when not specially designed for equipment covered by sub-paragraph (b) below:*

(i) Argon, krypton, and non-tunable dye lasers with both of the following characteristics:

(1) An output wavelength in the range from 0.2 to 0.8 micrometer;

(2) A pulsed output not exceeding 0.5 joules per pulse and an average or continuous wave maximum rated single- or multi-mode output power not exceeding 20 watts;

(ii) Helium-cadmium, nitrogen and multigas lasers not otherwise specified in this ECCN with both of the following characteristics:

(1) An output wavelength shorter than 0.8 micrometer; and

(2) A pulsed output not exceeding 0.5 joules per pulse and an average or continuous wave maximum rated single- or multi-mode output power not exceeding 120 watts;

(iii) Helium-neon lasers with an output wavelength shorter than 0.8 micrometer;

(iv) Ruby-lasers with both of the following characteristics:

(1) An output wavelength shorter than 0.8 micrometer; and

(2) An energy output not exceeding 20 joules per pulse;

(v) Co_2 , CO or CO/CO₂ lasers having either or both of the following characteristics:

(1) An output wavelength in the range of 9 to 11 micrometers, and a pulsed output not exceeding 2.0 joules per pulse and a maximum rated average single- or multi-mode output power not exceeding 1,200 watts or a continuous wave maximum rated single- or multi-mode output power not exceeding 2,500 watts;

(2) An output wavelength in the range of 5 to 7 micrometers and having a continuous wave maximum rated single- or multi-mode output power not exceeding 50 watts;

(vi) Nd: YAG lasers having an output wavelength of 1.06 micrometers with either of the following characteristics:

(1) A pulsed output not exceeding 0.5 joules per pulse and maximum rated average single- or multi-mode output power not exceeding 10 watts or a continuous wave maximum rated single- or multi-mode output power not exceeding 50 watts; or

(2) A pulsed output not exceeding 10 joules per pulse with a pulse width not less than 50 microseconds and maximum rated average single- or multi-mode output power not exceeding 50 watts;

(vii) Nd: Glass lasers with both of the following characteristics:

(1) An output wavelength of 1.06 micrometers; and

(2) A pulsed output not exceeding 2 joules per pulse;

(viii) Tunable CW dye lasers, with both of the following characteristics:

(1) An output wavelength shorter than 0.8 micrometer; and

(2) An output not exceeding an average or continuous wave maximum rated single- or multi-mode output power of 1 watt;

(ix) Tunable pulsed laser (for argon and krypton lasers, see sub-paragraph (a)(1) of this ECCN, including dye and N_2 , with all of the following characteristics:

(1) An output wavelength shorter than 0.8 micrometer;

(2) A pulse duration not exceeding 100 nanoseconds; and

A peak power output not exceeding 1 MW;

(x) Single-element semiconductor lasers with a wavelength shorter than 1 micrometer designed for, and used in, equipment as defined under sub-paragraphs (b) (xiii) and (xiv) of this ECCN;

(b) Laser systems or equipment incorporating lasers, and specially designed components therefor, *except the systems and equipment listed below incorporating lasers excluded from*

export controls under sub-paragraph (a) above:

(i) Specially designed for industrial and civilian intrusion detection and alarm systems;

(ii) Specially designed for medical applications;

(iii) Equipment for educational and laboratory purposes;

(iv) Specially designed for traffic and industrial movement control and counting systems;

(v) Specially designed for detection of environmental pollution;

(vi) Optical spectrometers and densitometers;

(vii) Equipment containing continuous wave helium-neon gas lasers (but see sub-paragraph (c) of this ECCN);

(viii) Textile-cutting and textile bonding equipment;

(ix) Paper cutting equipment;

(x) Equipment containing lasers for drilling diamond dies for the wire drawing industry;

(xi) Electronic scanning equipment with auxiliary electronic screening unit specially designed for printing processes, including such equipment when used for the production of color separations;

(xii) Laser-radar (lidar) equipment specially designed for surveying or meteorological observation;

(xiii) Consumer-type reproducers for video or audio discs, employing non-erasable media;

(xiv) Price scanners (point of sale);

(xv) Systems designed for surveying purposes, provided that there is no capability of measuring range;

(xvi) Equipment specially designed for the marking of components;

(xvii) Specially designed gravure (printing plate) manufacturing equipment;

(c) Laser measuring systems that maintain over the full scale a resolution equal to or less (finer) than 0.0001 mm and an accuracy equal to or less (finer) than 1.0 ppm for a 48-hour period over a temperature range of $\pm 10^\circ\text{C}$ around a standard temperature and at a standard pressure (standard temperature and pressure as indicated in IEC Publication No. 160).

Technical Note.—“Tunable” refers to the ability of a laser to produce an output at any wavelength within its tuning range. A line-selectable laser that can operate only on discrete wavelengths is not considered tunable.

Note 1.—The term “specially designed components” is intended, among other things, to include active and passive components in semifabricated forms as well as in fabricated forms.

Note 2.—Reserved.

Note 3.—This ECCN is intended to cover semiconductor lasers but not non-coherent light-emitting diodes and assemblies or integrated circuits containing such light-emitting diodes. (See ECCNs 1544A and 1564A.)

(Advisory) Note 4.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY or equipment listed in sub-paragraph (b) of this ECCN containing lasers described in (a)(vi)(1) and (a)(vii), provided that the lasers have a maximum pulsed output not exceeding 2 Joules per pulse. The shipment of spare laser rods for equipment exported under this Advisory Note will be restricted to rods having no greater output power energy capability than those originally exported with the equipment.

Note 5.—For laser feedback systems and laser interferometers, see also ECCN 1093A(c).

(Advisory) Note 6.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of semiconductor lasers, designed and destined for use with civilian fiber-optic communications systems, either uncontrolled or eligible for export, having an output wavelength not longer than 1,000 nanometers and not exceeding 100 mW CW.

Note 7.—Sub-paragraph (a) does not control uncooled, unsegmented mirrors with glass or dielectric substrates for use as end reflectors for laser resonators. (For segmented mirrors, see ECCN 1556A.)

17. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1526A is amended by revising the heading, the *GLV \$ Value Limit* and the List of Cable Controlled by ECCN 1526A, as follows:

1526A Cable and optical fibers, and components and accessories.

* * * * *

GLV \$ Value Limit: \$1,000 for Country Group T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

* * * * *

List of Cable Controlled by ECCN 1526A

(a) Underwater communication cable as follows:

(1) Reversed-twist double-armored cable used for towing or suspending and communicating with submerged devices;

(2) Unarmored or single-armored ocean cable having an attenuation of 1.62 dB/km (3.0 dB per nautical mile) or less, measured at a frequency of 600 kHz;

(b) Coaxial cable with an inner diameter of the outer conductor of the core greater than 14 mm (0.551 inch), having:

(1) An air dielectric in which the spacing is accomplished by discs, beads, spiral, screw of any other means;

(2) A form dielectric and a solid copper or aluminum outer conductor;

Note.—Technology for the manufacture of foam dielectrics used in cables remains free from export control.

(c) Optical-fiber communication cable or optical fibers therefor, having any of the following characteristics:

(1) An attenuation at any operating wavelength of 3.0 dB/km or less;

(2) Optical fibers capable of withstanding a "proof test" tensile stress of 1.1×10^9 N/m²;

Technical Note.—"Proof test" consists of on-line or off-line production screen testing that dynamically applies as prescribed tensile stress over a 0.5 to 3 m length of fiber at a running rate of 2 to 5 m/sec while passing between capstans approximately 15 cm in diameter. The ambient temperature is a nominal 20 °C and relative humidity a nominal 40%.

(3) Specially designed for underwater use;

(4) Specially designed to be insensitive to nuclear radiation;

(d) Optical fibers for sensing purposes, having any of the following characteristics:

(1) Specially fabricated either compositionally or structurally, or modified by coating to be acoustically, thermally, inertially, electromagnetically or nuclear radiation sensitive;

(2) Modified structurally or by coating to have either very low ("beat length" greater than 50 cm) or very high ("beat length" less than 5 cm) birefringence;

Technical Note.—"Beat length" is defined as the distance over which two orthogonally polarized signals, initially in phase, must pass in order to achieve 2π radian(s) phase difference.

(e) Secure communications cable, being either coaxial or multiconductor communication cable protected by mechanical or electrical means from physical damage or intrusion in such a manner that communications security is maintained between terminals without the necessity for encryption.

(f) Components and accessories specially designed for the above optical fibers or cable, including fiber-optic bulkhead or hull penetration connectors impervious to leakage at any depth for use in ships or vessels, and multiport fiber-optic couplers (including but not limited to T, Star, bi-directional and wavelength division multiplexing and demultiplexing couplers), *except connectors for use with optical fibers or cable with a repeatable coupling loss of 0.5 dB or more.* (See also Supp. No. 2 to Part 370 of the Export Administration Regulations.)

Note 1.—Sub-paragraph (e) above does not control cable that is "armored" by only either

a tough outer sheath or an electromagnetic screen.

Note 2.—Associated equipment for sub-paragraphs (a), (b), (c) and (d), and specially designed components therefor, are covered under ECCN 1519A.

Note 3.—For military type cable (shear resistant, etc.) see Supp. No. 2 to Part 370 of the Export Administration Regulations.

(Advisory) Note 4.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of cable defined in sub-paragraph (a)(1), when used for civil applications in oceanographic research or in natural resources exploration.

(Advisory) Note 5.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of cable, optical fibers, connectors and couplers covered by sub-paragraphs (a)(2), (b), (c) (1), (2) and (3), and (f) above, provided that:

(a) The cable, optical fibers, connectors or couplers are for a specific civil end-use;

(b) The quantities of cable, optical fibers, connectors or couplers are normal for the purpose;

(c) The optical fibers specially designed for underwater use have performance characteristics inferior to those described in sub-paragraphs (c)(1) or (c)(2); and

(d) Connectors covered by sub-paragraph (f) are not specially designed fiber-optic bulkhead or hull penetration connectors for use in ships or vessels.

18. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1527A is amended by revising the heading and adding three Notes at the end of the entry, reading as follows:

1527A Cryptographic equipment and specially designed components therefor, designed to ensure secrecy of communications (such as telegraphy, telephony, facsimile, video and data communications) or of stored information; and "software" controlling or computers performing the functions of such cryptographic equipment.

* * * * *

Notes.—1. This ECCN also covers video systems that, for secrecy purposes, use digital techniques (conversion of an analog, i.e. video or facsimile, signal into a digital signal).

2. This ECCN does not cover simple cryptographic devices or equipment only ensuring the privacy of communications, as follows:

(a) Equipment for voice transmission making use of fixed frequency inversions or fixed band scrambling techniques in which the transposition changes occur not more frequently than once every 10 seconds;

(b) Standard civil facsimile and video equipment designed to ensure the privacy of communications by an analog transmission using non-standard practices for intended receivers only (video system equipment effecting the transposition of analog data);

(c) Video systems for pay television and similar restricted audience television, including industrial and commercial television equipment using other than standard commercial sweep systems.

3. "Digital computers" and digital differential analyzers (incremental computers) designed or modified for, or combined with, any cipher machines, cryptographic equipment, devices or techniques including "software", "microprogram" control ("firmware") or specialized logic control (hardware), associated equipment therefor, and equipment or systems incorporating such computers or analyzers are covered by this ECCN or by Supp. No. 2 to Part 370 of the Export Administration Regulations.

19. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1529A is amended by revising the *GLV \$ Value Limit* and the List of Equipment Controlled by ECCN 1529A, as follows:

1529A Electronic measuring, calibrating, counting, testing, or time interval measuring equipment, whether or not incorporating frequency standards.

GLV \$ Value Limit: \$2,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

List of Equipment Controlled by ECCN 1529A

(a) Equipment, as follows:

(1) Designed as reference frequency standards for laboratory use and having either of the following characteristics:

(i) A long-term drift (ageing) over 24 hours or more of 1 part in 10^{10} or better;

(ii) A short-term drift (stability) over a period from 1 to 100 seconds of 1 part in 10^{12} or better;

(2) Designed for fixed ground or mobile use and containing frequency standard(s) having either of the following characteristics:

(i) A long-term drift (ageing) over 24 hours or more of 1 part in 10^9 or better; or

(ii) A short-term drift (stability) over a period from 1 to 100 seconds of 1 part in 10^{12} or better;

(b) Instruments of the following description:

(1) Designed for use at frequencies exceeding 18 GHz;

(2) "Comb frequency generators" designed and rated for use at frequencies exceeding 12.5 GHz;

(3) Designed for use at frequencies exceeding 1 GHz, of the following description:

(i) "Swept-frequency network analyzers" for the automatic measurement of complex equivalent circuit parameters over a range of frequencies;

(ii) Specially calibrated microwave instrumentation receivers capable of measuring amplitude and phase simultaneously;

(iii) Automatic "frequency (heterodyne) converters" and "transfer oscillators";

(iv) Instruments in which the functions can be controlled by the injection of digitally coded electrical signals from an external source;

(4) Spectrum analyzers employing time compression of the input signal or FFT (Fast Fourier Transform) techniques;

(5) Incorporating computing facilities with user-accessible reprogramming capability and an alterable program and data memory of a total of more than 32,768 bits;

Note.—Alterable (read/write) memory is that part of the internal memory of the instrument that can be accessed or modified by the user during normal operations of the instrument for data and operating parameters or program storage and data manipulation respectively.

(6) Digital instruments incorporating computing facilities, of the following description:

(i) Digital test instruments with user accessible reprogramming capability (including digital circuit testers, logic (state and/or timing) analyzers, bus analyzers, serial data analyzers, digital work generators) specially designed for examining and/or comparing the absolute or relative information content (e.g., logic states, mnemonics, etc.) or the timing of one or more digital bit streams, except:

(a) *Logic probes, logic pulsers, digital current tracers (or current "sniffers"), signature analyzers and other digital circuit testers capable of observing single events and/or providing stimulus at single test points;*

(b) *Logic clips and logic comparators;*

(c) *Logic (state or timing) analyzers with not more than 16 (not including qualifier channels) input channels and a maximum sampling rate of 20 MHz or less;*

(d) *Digital word generators capable of operating at a maximum clock rate of 2 MHz or less with word lengths of 8 bits or less;*

(ii) Microprocessor and microcomputer development instruments and systems, specially designed for use in debugging, diagnosing, emulating, simulating, designing, evaluating, programming or reprogramming "software" or equipment

of signal processor-, computer- or memory-based devices, systems or microsystems (e.g., emulators, simulators, memory programmers) except those used only with microprocessors and microcomputers not covered by ECCN 1564A;

(c) Digital counters of the following description:

(1) Capable of counting successive input signals with less than 5 nanoseconds time difference without prescaling (digital division) of the input signal (for counter-timers having a time interval measurement mode, see paragraph (d) of this ECCN);

(2) Employing prescaling of the input signal, in which the prescaler is capable of resolving successive input signals with less than 1 nanosecond time difference; or

(3) Capable of measuring burst frequencies exceeding 100 MHz for a burst duration of less than 5 milliseconds;

(d) Time interval measuring equipment employing digital techniques, capable of measuring time intervals of less than 5 nanoseconds on a single shot basis;

(e) Testing equipment rated to maintain specified operating data when operating over a range of ambient temperatures from below -25°C to above $+55^{\circ}\text{C}$;

(f) Digital voltage measuring apparatus, with or without electrical outputs, irrespective of the physical units in which calibrated, with a reading speed (from zero to the measured value but not including changes in range or polarity) faster than 25 accesses per second and having any of the following characteristics:

(1) A digital resolution at all points on the scale greater than 1 part in 200,000;

(2) An accuracy, measured without reference to an external standard, better than 1 part in 50,000 (0.002%) of reading over an ambient temperature range of $\pm 5^{\circ}\text{C}$ or more, or a stability better than 10^{-6} of reading over a period of 24 hours or more;

(3) Capable of more than 500 independent measurements per second; except visual quantization apparatus capable of providing an average value, displayed or not, of the results of the measurement; and Multi-channel analyzers of all types used in nuclear experimentation;

Notes.—1. Reading speed is assumed not to include changes in range or polarity.

2. Sub-paragraph (f) of this ECCN does not control—

(a) Visual quantization apparatus capable of providing an average value, displayed or not, of the results of the measurement;

(b) Multichannel analyzers of all types used in nuclear experimentation;

(c) Industrial telemeasuring devices in which the pre-set storage value is used as a basis for measuring.

(g) Transient recorders, utilizing analog-to-digital conversion techniques, capable of storing transients by sequentially sampling single input signals at successive intervals of less than 50 nanoseconds.

Technical Notes.—1. "Comb frequency generators" (sub-paragraph (b)(2)) are generally understood to be devices that generate a spectrum of harmonics.

2. "Swept-frequency network analyzers" as understood in sub-paragraph (b)(3)(i) above involve the automatic measurement of frequencies. This involves swept-frequency measurement techniques but not CW point-to-point measurements.

3. "Amplitude and phase receivers" (sub-paragraph (b)(3)(ii) of this ECCN) are instruments capable of measuring the amplitude of a microwave signal or the amplitude of two microwave signals and the relative phase between them. The principal application of these instruments is the measurement of near and far zone phase and amplitude antenna patterns. They can also be used for measurement of microwave device and components characteristics. In general, they are more sophisticated and sensitive (better than -100dBm) than phase and impedance measuring instruments such as RF vector impedance meters and vector voltmeters. They also feature wide dynamic range (80 dB) and very good linearity (approximately $\pm 0.25\text{ dB}$).

4. "Frequency (heterodyne) converters" (sub-paragraph (b)(3)(iii)) down convert an unknown frequency by mixing with an accurately known frequency. The accurately known frequency is developed by multiplication of a crystal-derived reference which is passed through a harmonic generator. By mixing the appropriate harmonic and the unknown frequencies, an accurate third frequency results.

5. "Transfer oscillators" (sub-paragraph (b)(3)(iii)) are based also on the property of harmonic mixing. Differences exist in that a local oscillator is utilized whereas a crystal-derived reference frequency is utilized in the case described in Note 4 above. The unknown frequency is mixed with the local oscillator (LO) and the two are phase-locked by tuning the LO. The LO can then be measured by a counter.

6. By "user-accessible reprogramming capability" as used in sub-paragraphs (b)(5) and (b)(6)(i) above is meant:

(a) The instrument contains a computing facility, e.g., a microprocessor; and
(b) The user has the ability to alter the computing program through external controls, e.g., switches, keyboards, digital busses, etc.

7. One example of FFT techniques is described in "An algorithm for the machine computation of complex Fourier series" by Cooley and Tukey in "Mathematics of Computation", April 1965, page 297.

8. "Burst frequency measurement" counters (sub-paragraph (c)(3)) contain special gating circuits that start only when the input signal

is present and stop counting at the completion of the burst.

Note.—Instrumentation incorporating computing facilities remains controlled under this ECCN 1529A even if the computing facility has been removed. Such instrumentation *cannot* be classified under ECCN 6599G.

Note 1.—For frequency synthesizers, see ECCN 1531A; for frequency spectrum analyzers, see ECCN 1533A; for microwave equipment, see also ECCN 1537A; for analog-to-digital converters, other than digital voltage measuring instruments, see ECCN 1568A.

(Advisory) Note 2.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of equipment designed for fixed ground use covered only by sub-paragraph (a)(2)(i) of this ECCN, provided that:

(a) The long-term drift (ageing) over 24 hours or more is not better than 5 parts in 10^{10} ; and

(b) The equipment is a reasonable requirement for the stated legitimate civil end-use.

(Advisory) Note 3.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of items defined in sub-paragraph (b)(4) of this ECCN, having any of the following characteristics:

(a) Capable of computing 512 complex spectral lines in 200 milliseconds or more;

(b) Capable of computing 512 real spectral lines in 100 milliseconds or more;

(c) Having no zoom capability and capable of computing 512 complex spectral lines in 100 milliseconds or more, or capable of computing 512 real spectral lines in 50 milliseconds or more.

Technical Note.—Zoom capability (range translation) permits spectrum analysis starting from an arbitrary frequency rather than at zero frequency, leading to an improved resolution.

(Advisory) Note 4.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of instruments defined in sub-paragraph (b)(5) of this ECCN, provided that:

(a) The instruments have been designed for non-strategic use and by nature of design, software, microprogram control (firmware), specialized logic control (hardware), or performance are substantially restricted to the particular application for which they have been designed.

(b) The instruments are not covered by any other part of ECCN 1529A and do not exceed the limits of Advisory Note 4 to ECCN 1565A. (See also Supp. No. 2 to part 370 of the Export Administration Regulations, ECCN 1355A and sub-paragraph (i) of ECCN 1485A.)

(Advisory) Note for the People's Republic of China.—Licenses are likely to be approved for export to satisfactory end-users in the People's Republic of China of the following equipment:

(a) Frequency standards equipment defined in sub-paragraph (a) for non-military configurations for quartz and rubidium and appropriate quantities of cesium standards to NBS-type users;

(b) Instruments defined in sub-paragraph (b)(1) up to 40 GHz;

(c) Manual transfer oscillators and frequency converters defined in sub-paragraph (b)(2) up to 40 GHz and comb frequency devices up to 12.5 GHz;

(d) Non-programmable network analyzers defined in sub-paragraph (b)(3)(i) up to 40 GHz; and programmable network analyzers up to 18 GHz;

(e) Direct impedance measuring devices defined in sub-paragraph (b)(3)(iii) up to 18 GHz;

(f) Instruments defined in sub-paragraph (b)(3)(iv) up to 18 GHz;

(g) Spectrum analyzers defined in sub-paragraph (b)(4) employing FFT with realtime capability of calculating 512 complex lines in not less than 50 milliseconds and time compression instruments limited to 100 KHz and not capable of calculating complex lines;

(h) Instruments defined in sub-paragraph (b)(5) with memories up to 64 kbits;

(i) Equipment defined in paragraph (b)(6) necessary for maintenance, repair and use of microcircuits and computers described by the Advisory Notes for the People's Republic of China in ECCNs 1564A and 1565A;

(j) Digital counters defined in sub-paragraph (c) that perform non-prescaled (direct) countings up to 550 MHz, or prescaled counting up to 1.5 GHz, and counters capable of measuring burst frequencies up to 200 MHz for a burst duration of more than 0.5 milliseconds;

(k) Time interval measuring equipment defined in sub-paragraph (d) capable of measuring 10 nanosecond time intervals for single shot and 0.1 nanoseconds for averaging repetitive time intervals;

(l) Digital voltmeters defined in sub-paragraph (f); and

(m) Transient recorders capable of sampling single input signals at successive intervals of not less than 20 nanoseconds.

20. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 4530B is amended by revising the *GLV \$ Value Limit* to read "\$2,000 for Country Groups T & V; \$0 for all other destinations".

21. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1531A is amended by revising the *GLV \$ Value Limit* and the Illustrative List of Frequency Synthesizers Controlled by ECCN 1531A, as follows:

1531A Frequency synthesizers.

GLV \$ Value Limit: \$2,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

Illustrative List of Frequency Synthesizers Controlled by ECCN 1531A

(a) Frequency synthesizers containing frequency standards covered by ECCN 1529A(a) or temperature-compensated

crystal oscillators covered by ECCN 1587A(c);

(b) Instrument frequency synthesizers and synthesized signal generators, and specially designed components and accessories therefor, designed for ground use, producing output frequencies whose accuracy and short- and long-term stability are controlled by, derived from, or disciplined by the input frequency or internal master standard frequency, and having any of the following characteristics:

(1) A maximum output frequency in excess of 550 MHz;

(2) Having a phase noise to signal ratio better than -60 dB or an AM noise to signal ratio better than -70 dB referred to the 30 kHz band centered on the carrier, excluding the 1 Hz band centered on the carrier.

(3) Electrically programmable in frequency (in that the output frequency can be controlled or selected by the injection of digitally coded electrical signals from an external control source) with a switching speed from one selected output frequency to another selected output frequency of less than 10 milliseconds;

(4) Electrically programmable in phase (in that the phase of the output frequency can be varied relative to the internal or external reference standard, or selected in accordance with an externally supplied code or signal with a switching speed from one selected phase value to another of less than 10 milliseconds) except those equipments incorporating pre-emphasis networks for frequency modulation;

(5) Having a level of spurious components in the output better than -80 dB non-harmonic and/or -60 dB harmonic component measured relative to the selected output frequency;

(6) Having more than 3 different selected synthesized output frequencies available simultaneously from one or more outputs;

(7) With facilities for pulse modulation of the output frequency;

(c) Airborne communication equipment using frequency synthesizers, as follows, and specially designed components and accessories therefor:

(1) Designed to receive or transmit frequencies greater than 156 MHz;

(2) Incorporating facilities for the rapid selection of more than 200 channels per equipment, except those equipments operating in the frequency range of 108 to 136 MHz incorporating facilities for the rapid selection of 720 channels or fewer at not less than 25 kHz channel spacing, and that have been in normal civil use for at least one year;

(3) With a switching speed from one selected output frequency to another of less than 10 milliseconds;

(4) Frequency synthesizers, designed for the above equipment, whether supplied separately or with the said equipment, exceeding the parameters specified in sub-paragraph (b) of this ECCN.

Note.—See also ECCN 1501A(a).

(d) Digitally-controlled radio receivers, whether or not computer-controlled, that search or scan automatically a part of the electromagnetic spectrum, using frequency synthesizers, as follows, and specially designed components and accessories therefor:

(1) Digitally-controlled receivers in which the switching operation takes less than 10 milliseconds, except non-ruggedized digitally-controlled preset type radio receivers designed for use in civil communications, that have 200 selective channels or fewer;

(2) Frequency synthesizers designed for the above equipment, whether supplied separately or with the said equipment, exceeding the parameter specified in sub-paragraph (b) above, except those specially designed for receivers freed from export control under sub-paragraph (1) above;

Note.—See also ECCN 1516A.

(e) Radio transmitters incorporating transmitter drive units, exciters and master oscillators using frequency synthesis, as follows, and specially designed components and accessories therefor:

(1) Having an output frequency of up to 32 MHz with a frequency resolution of better than 10 Hz and with a switching speed from one selected output frequency to another selected output frequency less than 10 milliseconds;

(2) Having an output frequency from 32 MHz to 235 MHz with a frequency resolution of better than 250 Hz and with a switching speed from one selected output frequency to another of less than 10 milliseconds;

(3) Having an output frequency greater than 235 MHz, except

(i) Television broadcasting transmitters having an output frequency from 470 MHz to 960 MHz with a frequency resolution of not better than 1 kHz and where the manually-operated frequency synthesizer incorporated in or driving the transmitter has an output frequency not greater than 120 MHz and

(ii) FM and AM ground communications equipment for use in the land mobile service and operating in the 420 to 470 MHz band, with a power output of 50 watts for mobile units and

300 watts for fixed units, with a frequency resolution of not better than 6.25 kHz and with a switching speed from one selected output frequency to another selected output frequency greater than 50 milliseconds;

(4) Having more than three different selected synthesized output frequencies available simultaneously from one or more outputs;

(5) With facilities for pulse modulation of the output frequency of the transmitter or of the incorporated frequency synthesizer; and

(6) Frequency synthesizers designed for the above equipment, whether supplied separately or with the said equipment, exceeding the parameters specified in sub-paragraph (b) of this ECCN.

Note.—See also ECCN 1517A.

Technical Note.—“Frequency synthesizer” means any kind of frequency source or signal generator, regardless of the actual technique used, providing a multiplicity of simultaneous or alternative output frequencies from one or more outputs, controlled by, derived from or disciplined by a lesser number of standard (or master) frequencies.

(Advisory) Note.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of equipment defined in sub-paragraph (b)(3) of this ECCN, with a switching speed not less than 5 milliseconds.

22. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1532A is amended by revising the heading and the GLV \$ Value Limit and by adding a NOTE as follows:

1532A Precision linear and angular measuring systems as follows, and specially designed components therefor.

Note.—For “specially designed software”, see Supp. No. 3 to Part 379.

GLV \$ Value Limit: \$2,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

23. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1533A is amended by revising the heading and the GLV \$ Value Limit, adding Notes after the List of Radio Spectrum Analyzers Controlled by ECCN 1533A, and redesignating the Advisory Note as Note 5, as follows:

1533A Radio spectrum analyzers, and specially designed components and accessories therefor.

GLV \$ Value Limit: \$2,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

Technical Note.—Radio spectrum analyzers are apparatus capable of indicating the single-frequency components of multi-frequency signals.

Note.—1. This ECCN does not cover optical spectrum analyzers.

Note.—2. This ECCN does not control instruments covered only by sub-paragraph (c), provided that the instrument is not capable of operating at frequencies over 2 GHz.

Note.—3. For spectrum analyzers employing time compression of the input signal or FFT techniques, see ECCN 1529A(b)(4).

Note.—4. If the radio spectrum analyzer is an oscilloscope plug-in, the associated mainframe is covered by ECCN 1584A.

(Advisory) Note 5.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of equipment defined in sub-paragraph (d) of this ECCN.

24. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1534A is amended by revising the heading, the **GLV \$ Value Limit**, and the Notes following the List of Flatbed Microdensitometers Controlled by ECCN 1534A, as follows:

1534A Flatbed microdensitometers (except cathode-ray types) having any of the characteristics in the List below, and specially designed components therefor.

GLV \$ Value Limit: \$2,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

List of Flatbed Microdensitometers Controlled by ECCN 1534A

Technical Note.—Density resolution (expressed in density units) is measured over the optical density range of the instrument.

(Advisory) Note 1.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of equipment specially designed for medical applications, provided that the equipment is a reasonable requirement for the stated application.

(Advisory) Note 2.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY for civil end-users of equipment defined by sub-paragraph (b) of ECCN 1534A, provided that the spatial resolution is not better (less) than 2 micrometers and the density resolution is not better (less) than 0.01 in density units.

25. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1537A is amended

by removing the reference to "1526(a)" from the heading; by revising the **GLV \$ Value Limit**; by revising sub-paragraphs (a), introductory text of (e), and (g) of the List of Microwave Equipment Controlled by ECCN 1537A, and by adding a NOTE at the end of the entry, as follows:

1537A Microwave equipment, including parametric amplifiers, capable of operating at frequencies over 1 GHz (other than microwave equipment defined in ECCNs 1501A, 1517A, 1520A, 1526A(a), 1529A and Supp. No. 2 to Part 370).

GLV \$ Value Limit: \$1000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

List of Microwave Equipment Controlled by ECCN 1537A

(a) Rigid and flexible waveguides designed for use at frequencies in excess of 18 GHz;

(e) TR and anti-TR tubes and specially designed components therefor, *except those designed for use in waveguides and having any of the following characteristics that are in normal civil use for ground or marine radar:*

- (i)
- (ii)
- (iii)

(g) Phased array antennae and sub-assemblies, designed to permit electronic control of beam shaping and pointing (see Supp. No. 2 to Part 370 of the Export Administration Regulations), and specially designed components therefor (including but not limited to duplexers, phase shifters and associated high-speed diode switches);

Note.—Paragraph (g) of this ECCN does not control duplexers and phase shifters specifically designed for use in civil television systems or in other civil radar or communication systems not controlled elsewhere on the Commodity Control List.

26. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1541A is amended by revising the **GLV \$ Value Limit** to read "\$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations."

27. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1542A is revised to read as follows:

1542A Cold cathode tubes and switches.

Controls for ECCN 1542A

Unit: Report tubes and semiconductor devices in "number"; parts and accessories in "\$ value."

Validated License Required: Country Groups QSTVWYZ.

GLV \$ Value Limit: \$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

Processing Code: EE.

Reason for Control: National security; nuclear non-proliferation.

Special Licenses Available: Special licenses are not available for those triggered spark-gaps having an anode delay time of 15 microseconds or less and rated for peak current of 3,000 amps or more, and specially designed parts therefor. See Part 373 for special licenses available for other equipment defined in ECCN 1542A.

List of Cold Cathode Tubes and Switches Controlled by ECCN 1542A

(a) Triggered spark-gaps, having an anode delay time of 15 microseconds or less and rated for a peak current of 3,000 A or more; specially designed parts therefor, and equipment incorporating such devices;

(b) Cold cathode tubes, whether gas-filled or not, operating in a manner similar to a spark gap, containing three or more electrodes and having all of the following characteristics:

- (1) Rated for an anode peak voltage of 2,500 V or more;
- (2) Rated for peak currents of 100 A or more;
- (3) An anode delay time of 10 microseconds or less; and
- (4) An envelope diameter of less than 25.4 mm (1 inch).

Notes: 1. Triggered spark-gaps are tubes with a structure consisting of two opposed anodes with shapes resembling flattened hemispheres, and with one or more triggering probes placed approximately in the center of one anode. The structure is sealed and contains a mixture of gases, principally nitrogen, under less than atmospheric pressure.

2. Sub-paragraph (b) of the List above covers gas "krytron" tubes, vacuum "krytron" tubes and similar tubes.

28. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1544A is amended by revising the **GLV \$ Value Limit**; revising paragraphs (a), (c), (d), and (e) of the List of . . . Diodes and Dice . . . Controlled by ECCN 1544A; removing "and" from the end of paragraph (f) and

inserting a period instead; removing paragraph (g); and revising the Notes, as follows:

1544A Semi-conductor diodes . . .

GLV \$ Value Limit: \$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

List of Semiconductor Diodes and Dice and Wafers Therefor Controlled by ECCN 1544A

(a) Mixer and detector diodes designed or rated for use at input or output frequencies greater than 3 GHz; except:

(1) *Point contact diodes designed or rated for use at input or output frequencies of 12.5 GHz or less;*

(2) *Schottky diodes designed or rated for mixer use at input or output frequencies of less than 12.5 GHz and having or noise figure of more than 6.5 dB;*

(3) *Schottky diodes designed or rated for detector use at input or output frequencies of less than 12.5 GHz and having a minimum rate tangential sensitivity of either worse than -45 dBm under unbiased conditions or worse than -50 dBm under biased conditions;*

(c) Voltage variable capacitance diodes designed or rated for use at input or output frequencies greater than 1.7 GHz;

(d) Fast recovery diodes, of the following description:

(1) Having a rated maximum reverse recovery time of less than 1 nanosecond; or

(2) Having both a rated forward rectified current over 5 amperes and a rated maximum reverse recovery time of less than 20 nanoseconds;

Note 1.—When average reverse recovery time is quoted instead of maximum reverse recovery time, the maximum may be regarded as two times the average.

Note 2.—When reverse recovery time is not quoted, diodes rated for a stored charge of less than 25 picocoulombs shall be regarded as covered by paragraph (d) of this ECCN.

(e) PIN diodes designed or rated for use at input or output frequencies above 1.7 GHz, with a peak power greater than 5 W or a maximum CW power greater than 500mW.

Note 1.—Diodes constructed with a rectifying deposited metal semiconductor junction or barrier, such as hot-carrier or

Schottky-barrier diodes, will normally be considered under sub-paragraphs (a) and (d) above.

(Advisory) **Note 2.**—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of non-coherent light-emitting diodes defined in sub-paragraph (f) above, for use in identifiable civilian communications systems.

Note 3.—For photodiodes, see ECCN 1548A.

29. In Supplement No. 1 § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1545A is amended by revising the *GLV \$ Value Limit* to read "\$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations."

30. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1547A is amended by revising the *GLV \$ Value Limit* to read "\$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations."

31. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments) ECCN 1548A is amended by revising the heading, the *GLV \$ Value Limit* and the List of Photosensitive Components—Controlled by ECCN 1548A, as follows:

1548A Photosensitive components, including linear and focal plane arrays, and dice and wafers therefor.

GLV \$ Value Limit: \$1,000 for Country Groups T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

List of Photosensitive Components and Dice and Wafers Therefor Controlled by ECCN 1548A

(a) Photosensitive components (including photodiodes, phototransistors, photothyristors, photoconductive cells and similar photosensitive components):

(1) Having a peak sensitivity at a wavelength longer than 1,200 nanometers or shorter than 190 nanometers; or

(2) Having a peak sensitivity at a wavelength shorter than 300 nanometers and having an efficiency of less than 0.1% relative to peak response at wavelengths longer than 400 nanometers;

Note.—Vacuum photodiodes specially designed for use in spectrophotometry having

a peak response at a wavelength shorter than 300 nanometers are not covered by this sub-paragraph. (For photomultiplier tubes containing microchannel plates, see ECCN 1549A.)

(b) Semi-conductor photodiodes and phototransistors with a response time constant of 95 nanoseconds or less measured at the operating temperature for which the time constant reaches a minimum;

(c) Specially designed or rated as electromagnetic (including laser) and ionized-particle radiation resistant;

(d) Linear and focal plane arrays (hybrid or monolithic) having the characteristic in (a) or (b) above, and specially designed components therefor.

Note 1.—The time constant is defined as the time taken from the application of a light stimulus for the current increment to reach a value of $1-1/e$ times the final value (*i.e.*, 63% of the final value).

Note 2.—This ECCN does not control the following:

(a) Germanium photo devices with a peak sensitivity at a wavelength shorter than 1,750 nanometers;

(b) Infrared single-element encapsulated photo-conductive cells or pyroelectric detectors intended for civil applications and using any of the following:

(1) Evaporated lead sulphide;

(2) Triglycine sulphate with a surface area of 20 mm² or less;

(3) Lead-lanthanum-zirconium titanate ceramic.

(Advisory) **Note 3.**—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY for civil applications of semi-conductor photodiodes controlled by sub-paragraph (b) above, with a response time constant of 0.5 nanosecond or more and with a peak sensitivity at a wavelength neither longer than 920 nanometers nor shorter than 300 nanometers.

32. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1549A is amended by revising the *GLV \$ Value Limit* and paragraph (a) of the List of Photomultiplier Tubes Controlled by ECCN 1549A, by redesignating the Advisory Note as "(Advisory) Note 1", and by adding a NOTE 2 following the Advisory Note 1, as follows:

1549A Photomultiplier tubes

GLV \$ Value Limit: \$1,000 for Country Group T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

List of Photomultiplier Tubes Controlled by ECCN 1549A

Photomultiplier tubes of the following descriptions:

(a) Those for which the maximum sensitivity occurs at wavelengths shorter than 300 nanometers;

Note.—Photomultiplier tubes specially designed for use in spectrophotometry having a peak sensitivity at a wavelength shorter than 300 nanometers are not covered by this sub-paragraph.

(For photosensitive components, see ECCN 1548A.)

Note 2.—For microchannel plate electron multipliers, see ECCN 1555A.

33. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1553A is amended by revising the *GLV \$ Value Limit* to read "\$1,000 for Country Group T & V, except \$0 for the People's Republic of China; \$0 for all other destinations."

34. In the Commodity Control List (Supplement No. 1 to § 399.1), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1555A is revised to read as follows:

1555A Electron tubes and specially designed components therefor. Controls for ECCN 1555A

Unit: Report tubes, semi-conductors devices, and systems in "number"; parts and accessories in "\$ value".

Validated License Required: Country Groups QSTVWYZ.

GLV \$ Value Limit: \$1,000 for Country Group T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

Processing Code: EE.

Reason for Control: National security, nuclear non-proliferation. Nuclear non-proliferation controls do not apply to those countries listed in Supp. Nos. 2 or 3 to Part 373.

Special Licenses Available: A Distribution License is available for shipment of equipment defined in paragraphs (a) and (b) of the List below to countries listed in Supp. Nos. 2 or 3 Part 373. Other special licenses, as well as a Distribution License, may be available for other equipment in the List; see Part 373.

List of Electron Tubes Controlled by ECCN 1555A

Electron tubes, as follows and specially designed components therefor:

(a) Electron tubes for image conversion or intensification, incorporating:

(1) Fiber-optic face-plates covered by ECCN 1556A(a);

(2) Microchannel-plate electron multipliers; or

(3) Gallium arsenide or other epitaxially grown semi-conductor photocathodes covered by ECCN 1556A(c);

(b) Electron tubes for television/video cameras:

(1) Incorporating fiber-optic face-plates covered by ECCN 1556A(a);

(2) Incorporating microchannel-plate electron multiplier;

(3) Coupled with electron tubes covered by paragraph (a) of this ECCN;

(c) Ruggedized electron tubes for television/video cameras having a maximum length-to-bulb diameter ratio of 5:1 or less.

Note.—The image intensifiers, image converters and camera tubes defined in paragraph (a) of this ECCN above have significant military as well as commercial use and, as such, licensing jurisdiction is shared between the Office of Munitions Control (Department of State) and the Department of Commerce.

Note 1.—This ECCN does not cover: (a) commercial standard television/video camera tubes not incorporating fiber-optic face-plate covered by ECCN 1556A (a) or (b) commercial standard X-ray amplifier tubes.

(Advisory) **Note 2.**—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of reasonable quantities of non-ruggedized tubes controlled by ECCN 1555A, provided that the tubes will be used for bona fide medical applications.

(Advisory) **Note 3.**—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of electron tubes controlled for export only by sub-paragraph (a)(1) of this ECCN that are specially designed for electron streak or framing cameras controlled by ECCN 1585A(c), provided that the quantities requested, in addition to those previously approved under this Advisory Note, are reasonable for specifically identified civil applications.

(Advisory) **Note 4.**—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of television/video camera tubes covered by sub-paragraph (b) or (c) of this ECCN that incorporate fiber-optic face-plates but not microchannel-plate electron multipliers, provided that the tubes will be used for bona fide civil applications.

35. In the Commodity Control List (Supplement No. 1 to § 399.1), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1558A is amended by revising the *GLV \$ Value Limit*, paragraph (a)(1) and paragraph (b)(2), and by adding new paragraphs (c) and (d) to the List of Optical Elements . . . Controlled by ECCN 1556A, as follows:

1556A Optical elements and elements for optical tubes.

GLV \$ Value Limit: \$1,000 for Country Group T & V, except \$0 for the People's Republic of China; \$0 for all other destinations.

List of Optical Elements and Elements for Optical Tubes Controlled by ECCN 1556A

(a) . . .

(1) A fiber pitch (center-to-center spacing) of less than 10 micrometers:

(b) . . .

(1) . . .

(2) Hole pitch (center-to-center spacing) of less than 25 micrometers;

(c) Semi-transparent photocathodes incorporating epitaxially grown layers of compound semiconductors, such as gallium arsenide (For associated starting materials, see ECCN 1757A.); and

(d) Diffractive type optical elements specially designed for display screens, with any of the following characteristics:

(1) A transmission of more than 90% outside the reflection band and a reflection of more than 75% inside the reflection band, having less than 15 nanometers bandwidth and matched to the frequency of the display light source;

(2) A rear projection screen brightness gain of more than 10 times the gain of a Lambertian scatterer with an equivalent area, and less than 10% variation in brightness across the exit aperture;

(3) Specially designed for use in helmet-mounted displays.

36. In the Commodity Control List (Supplement No. 1 to § 399.1), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1558A is amended by revising the heading, the *GLV \$ Value Limit*, and paragraphs (a)(2)(i) and (a)(3), (c)(4), (e) and (h) of the List of Tubes (Values) . . . Controlled by ECCN 1558A: by adding a new NOTE after paragraph (i); and by revising the Advisory Note, as follows:

1558A Electronic vacuum tubes (valves) and specially designed components therefor.

Controls for ECCN 1558A

GLV \$ Value Limit: \$1,000 for Country Groups T&V, except \$0 for the People's Republic of China; \$0 for all other destinations.

List of Electronic Vacuum Tubes (Valves) and Specialized Parts Controlled by ECCN 1558A

- (a) * * *
- (2) * * *
- (i) Above 1 GHz, with maximum peak pulse output power greater than 45 kW; or
- (ii) * * *
- (3) Tubes specially designed for use as pulse modulators for radar or similar applications, having a peak anode voltage rating of 100 kV or more, or rated for a peak pulse power of 20 MW or more (see also ECCN 1514A);
- (c) * * *
- (4) Tubes used as fixed-frequency or voltage-tunable oscillator tubes designed to operate at frequencies below 20 GHz with maximum output power of less than 3W.
- (e) Tubes utilizing interaction between a beam of electrons and microwave elements or cavities in which the electrons drift in a direction parallel to the applied magnetic field but also require for their operation a large component of velocity transverse to the direction of the applied magnetic field, including but not limited to gyrotrons, ubitrons and peniotrons;
- (h) Tubes of the types described in sub-paragraphs (c), (d) or (e) of this List designed to operate with no filament or cathode heating element (as indicated by the absence of heating supply connections); or
- (i) * * *

Note.—This ECCN does not cover the following electronic vacuum tubes and specially designed components therefor: tubes covered by sub-paragraphs (a) and (c) of this ECCN, specially designed for civil telecasting according to CCIR and OIR standards.

(Advisory Note 2.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of the following commodities:

- (a) Tubes defined in sub-paragraphs (a), (b) and (c) of the List above, required as replacement parts for specific civilian equipment not exceeding the capability of that which could be exported under other Commodity Control List ECCNs, provided that these parts do not upgrade the initial performance of that equipment;
- (b) Pulsed amplifier klystrons and fixed frequency and mechanically tunable pulsed magnetrons defined in sub-paragraphs (b) and (c) of this ECCN intended for civil radar equipment previously exported, provided that they do not upgrade the initial performance of that equipment.

37. In the Commodity Control List, (Supplement No. 1 to § 399.1), Commodity

Group 5 (Electronics and Precision Instruments), ECCN 1559A is amended by revising the heading and the *GLV \$ Value Limit* and by adding a List of Equipment Controlled by ECCN 1559A, reading as follows:

1559A Hydrogen/hydrogen isotope thyratrons of ceramic-metal construction having any of the characteristics in the List below, and accessories therefor.

Controls for ECCN 1559A

GLV \$ Value Limit: \$1,000 for Country Groups T&V, except \$0 for the People's Republic of China; \$0 for all other destinations.

List of Equipment Controlled by ECCN 1559A

Hydrogen/hydrogen isotope thyratrons of ceramic-metal construction having any of the characteristics, and accessories therefor:

- (a) A peak pulse power output exceeding 20 MW;
- (b) A peak anode voltage greater than 25 kV;
- (c) A peak current rating greater than 1.5 kA.

Note.—For thyratrons rated for both single-shot (crowbar) and modulator service, the figure for modulator service should be used.

(Advisory) Note. * * *

38. In the Commodity Control List (Supplement No. 1 to § 399.1), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1560A is amended by revising the heading, the *GLV \$ Value Limit* and paragraph (a) of the List of Capacitors Controlled by ECCN 1560A, and removing (b) and (c) as follows:

1560A Capacitors designed for or capable of maintaining their rated electrical and mechanical characteristics during their specified operating lifetime.

GLV \$ Value Limit: \$1,000 for Country Groups T&V, except \$0 for the People's Republic of China; \$0 for all other destinations.

List of Capacitors Controlled by ECCN 1560A

Capacitors designed for or capable of maintaining their rated electrical and mechanical characteristics during their specified operating lifetime, as follows:

- (a) Monolithic ceramic capacitors (other than boundary layered capacitors) using non-ferro-electric strontium titanate (SrTiO₃) dielectric rated for operation over the whole range

of ambient temperatures from below -55 °C to above +85 °C;

Note.—Capacitors rated for operation during their specified lifetime at ambient temperatures below -55 °C or above +200 °C are covered by Supp. No. 2 Part 370 of the Export Administration Regulations.

39. In the Commodity Control List (Supplement No. 1 to § 399.1), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1561A is amended by revising the heading paragraphs (a) and (b), by adding paragraph (c) and a note, and by revising the *GLV \$ Value Limit* as follows:

1516A Materials specially designed and manufactured for use as absorbers of electromagnetic waves having frequencies greater than 2×10^8 Hz and less than 3×10^{12} Hz, except materials as follows:

(a) "Hair" type absorbers, whether constructed of natural or synthetic fibers, with non-magnetic loading to provide absorption;

(b) Absorbers whose incident surface is non-planar in shape, including pyramids, cones, wedges, and convoluted surfaces, that have no magnetic loss; and

(c) Absorbers whose incident surface is planar and are either plastic foam materials (flexible or non-flexible) with carbon loading to provide absorption, or organic binders with magnetic material loading that provide resonant absorption performance. (Resonant absorption performance is defined as less than 5% echo compared with metal over a bandwidth of no greater than $\pm 15\%$ of the center frequency of the incident energy.) Such planar absorbers are further limited to those having both of the following characteristics:

- (i) A tensile strength of less than 7×10^6 N/m² (1,016 psi) and a compressive strength of less than 14×10^6 N/m² (2,032 psi);
- (ii) Not capable of withstanding temperatures in excess of 176 °C (350 °F).

Note.—Nothing in this ECCN 1561A releases magnetic materials to provide absorption when contained in paint.

GLV \$ Value Limit: \$2,000 for Country Groups T&V, except \$0 for the People's Republic of China; \$0 for all other destinations.

40. In the Commodity Control List (Supplement No. 1 to § 399.1), Commodity Group 5 (Electronics and

Precision Instruments), ECCN 1564A is revised to read as follows:

1564A Electric component assemblies, sub-assemblies, printed circuit boards, substrates and microcircuits, including packages therefor.

Controls for ECCN 1564A

Unit: Report in "number."

Validated Licensed Required: Country Groups QSTVWYZ.

GLV \$ Value Limit: \$1,000 for Country Groups T&V, except \$0 for the People's Republic of China; \$0 for all other destinations.

Processing Code: EE

Reason for Control: National security.

Special License Available: See Part 373.

I. Definitions of Terms Related to Commodities Controlled by ECCN 1564A

(a) *Assembly.* A number of components (i.e., circuit elements, discrete components, microcircuits) connected together to perform a specific function or functions, replaceable as an entity (and normally capable of being disassembled).

(b) *Microcircuit.* A device in which a number of passive and active circuit elements are considered as indivisibly associated on or within a continuous structure to perform the function of a circuit.

(c) *Monolithic integrated circuit.* A microcircuit fabricated as a single component consisting of elements formed in or on a single semiconducting substrate by diffusion, implantation or deposition.

(d) *Prediffused microcircuit.* (e.g., gate array or uncommitted logic array). An arrangement of elements of monolithic integrated circuits, formed with a single semiconducting substrate that can be subsequently interconnected or otherwise modified to perform one of a variety of functions.

(e) *Film type microcircuit.* An array of circuit elements and metallic interconnections formed by deposition of a thick or thin film on an insulating substrate.

(f) *Multichip microcircuit.* A microcircuit containing two or more monolithic integrated circuit chips bonded to a common substrate.

(g) *Hybrid microcircuit.* A microcircuit consisting of a combination of film-type microcircuits and monolithic integrated circuit elements or combinations of either with discrete components or circuit elements.

(h) *Circuit element.* A single active or passive functional item in an electronic circuit, such as one diode, one transistor, one resistor, one capacitor.

(i) *Discrete component.* A separately packaged circuit element with its own external connections.

(j) *Integrated optical microcircuit.* A microcircuit containing one or more elements designed to function as a photosensor or photo-emitter, or to perform optical or electro-optical functions.

(k) *Module.* An assembly, replaceable as an entity, not normally capable of being disassembled.

(l) *Microprocessor microcircuit.* A single package (normally single-chip) electronic logic unit capable of executing from external memory a series of general purpose instructions contained in the external memory. (The unit normally does not contain integral user memory, although internal memory on the chip may be present for internal utilization by the chip in performing its logic function. User memory is customarily provided via external memory chips, although some products have some limited onboard memory that is normally used for purposes other than program storage.)

(m) *Microcomputer microcircuit.* An electronic logic unit capable of executing instructions from internal memory, on data contained in the internal memory. (In certain cases, the internal memory may be augmented by an external memory.)

(n) *Substrate.* A sheet of base material with or without an interconnection pattern and on which, or within which, discrete components or integrated circuits may then be located.

II. List of Equipment Controlled by ECCN 1564A

(a) Substrates for printed circuits including ceramic substrates and coated metal substrates (single-sided, double-sided or multilayer), and thin copper foils therefor, *except:*

(i) *Printed circuit boards manufactured from any of the following materials:*

(1) *Paper base phenolics;*
(2) *Glass cloth melamine;*
(3) *Glass epoxy resin uncoated or coated with copper foil of a thickness of 18 micrometers (0.00071 inch) or greater;*

(4) *Polyethylene terephthalate;* or

(5) *Any other insulating material having all of the following characteristics:*

(a) *A maximum continuous rated operating temperature not exceeding 150 °C;*

(b) *A dissipation factor equal to or greater than 0.009 at 1 MHz;*

(c) *A relative dielectric constant equal to or less than 8 at 1 MHz; and*

(d) *A coefficient of expansion equal to or greater than 10^{-5} per °C over a temperature range of 0 to 120 °C;*

(ii) *Ceramic substrates having not more than two layers of interconnection, including the ground plane; and*

(iii) *Copper foil having a thickness of 18 micrometers (0.00071 inch) or greater;*

(b) *Ceramic microcircuit packages designed for hermetically sealed pin or pad grid array, leadless carrier, or surface-mounted configurations, except when having all of the following characteristics:*

(i) *Single-in-line, dual-in-line or flat-pack configuration;*

(ii) *Pin, pad or lead spacings of 2.50 mm or greater, or 100 mils or greater;*

(iii) *40 leads or less;*

(c) *Assemblies, modules and printed circuit boards with mounted components of the following description:*

(i) *Those including substrates for printed circuits covered by paragraph (a) of this list;*

(ii) *Those containing controlled microprocessor, microcomputer or memory microcircuits or other controlled components, except:*

(1) *Those of which the only controlled components are capacitors; or*
(2) *Power supply assemblies;*

Note 1.—For the export control status of assemblies, modules and printed circuit boards with mounted components designed for, or having the same functional characteristics as, electronic computers or related equipment, see ECCN 1565A.

Note 2.—Assemblies, modules and printed circuit boards with mounted components designed for, or having the same functional characteristics as, controlled equipment shall be rated against the parameters of the appropriate equipment ECCN, *except* that, in such cases, the temperature parameter will be below -55 °C and above +85 °C.

Note 3.—Sub-paragraph (c)(2) of this ECCN does not cover assemblies, modules and printed circuit boards with mounted components designed for equipment not otherwise controlled for export and that, by nature of their design, performance, lack of "user-accessible programmability", lack of "user-accessible microprogrammability", "software", "microprogram" control or specialized logic control, are substantially restricted to the particular application for which they have been designed.

Technical Note 1.—"User-accessible programmability" is the facility allowing a user to insert, modify or replace programs by means other than:

(a) *A physical change in wiring or interconnections; or*

(b) *The setting of function controls, including entry of parameters.*

Technical Note 2.—"User-accessible microprogrammability" is the facility allowing a user to insert, modify or replace microprograms.

Note.—A facility limited to one or both of the following is not considered to be within this definition:

- (a) Loading, reloading or inserting of microprograms provided by the supplier; or
- (b) Simple loading of microprograms, which may or may not be provided by the supplier, but are neither designed to be accessible to the user nor accompanied with training or "software" for user-accessibility.

(Advisory) Note 4.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of assemblies, modules and printed circuit boards with mounted components controlled for export by sub-paragraph (c)(2) of this ECCN, and that by nature of their design or performance are substantially restricted to the particular application for which they have been designed, if the controlled components are eligible for export under an Advisory Note to this ECCN 1564A.

(d) Microcircuits (monolithic integrated circuits, microprocessors, microcomputer, multichip, hybrid, film or integrated optical types), except:

- (i) Encapsulated passive networks; or
- (ii) Encapsulated microcircuits not designed or rated as radiation hardened, that are not rated for operation below -40°C or above $+85^{\circ}\text{C}$, packaged in TO-5 outline cases (0.305 inch to 0.370 inch diameter) or in non-hermetically sealed cases and are:

(1) Bipolar types designed for operation as digital logic circuit elements but limited to gates, inverters, buffers, bilateral switches, drivers, counters, latches, adders, comparators, parity generators, multiplexers, expanders, flip-flops, multivibrators, code converters, registers, encoders, decoders, de-multiplexers, diode matrices, multipliers and Schmitt-triggers, and having all of the following characteristics:

(a) Encapsulated in a package having 24 terminals or less;

(b) A basic propagation delay time not less than 3 nanoseconds;

(c) A power dissipation per basic gate of not less than 2 milliwatts and, for types having a basic gate propagation delay of 3 nanoseconds or more and less than 5 nanoseconds, a product of the basic gate propagation delay time (in nanoseconds) and the power dissipation per basic gate (in milliwatts) not less than 30 pJ (i.e., a speed-power product per gate not less than 30 pJ);

(2) CMOS types designed for operation as digital logic circuit elements but limited to gates, inverters, buffers, flip-flops, latches, multivibrators, bilateral switches, display drivers, fixed counters, fixed frequency dividers, storage registers, decoders, voltage translators, encoders and Schmitt-triggers, and having both of the following characteristics:

(a) Encapsulated in a package having 24 terminals or less;

(b) Minimum value of the basic gate propagation delay time under any rated conditions of not less than 10 nanoseconds;

Note 1.—The basic gate power dissipation and the basic gate propagation delay are those values corresponding to the basic gate utilized within a family of microcircuits. They may be specified either as the power dissipation/propagation delay per typical gate or as the typical power dissipation/propagation delay per gate for a given family.

Note 2.—Basic gate propagation delay is not to be confused with input/output delays of complex devices.

(3) Silicon single-chip microcomputer microcircuits that are mask programmed by the "manufacturer" for a civil application prior to export and have all of the following characteristics:

(a) A word size to "speed" ratio of less than or equal to 1.1 bit/microsecond;

(b) A "speed-power dissipation product" of greater than or equal to 1.2 microjoules;

(c) A on-chip read-only memory (ROM), not including the microcode of less than or equal to 4,096 bytes;

(d) An on-chip random-access memory (RAM) of less than or equal to 128 bytes;

(e) Containing no programmable read-only memory (PROM);

(f) An operand (data) word length of less than or equal to 8 bits;

(g) Not capable of using off-chip memory for program storage;

(h) Not containing multiplication instructions, general purpose operating systems (e.g., CP/M) or high order languages (e.g., Tiny Basic);

(i) Not rated for operation below -20°C or above $+75^{\circ}\text{C}$;

Note 1.—For "speed" or "speed-power dissipation product" computation, see Note 5 to this ECCN 1564A.

Note 2.—Bit-slice microcomputer microcircuits are not released by this sub-paragraph.

(4) Silicon microprocessor microcircuits having all of the following characteristics:

(a) A word/size to "speed" ratio of less than or equal to 1.25 bit per microsecond;

(b) A "speed-power dissipation product" of greater than or equal to 2 microjoules;

(c) Containing no on-chip ROM or on-chip PROM;

(d) Containing on-chip RAM of less than or equal to 1,024 bits;

(e) Capable of addressing off-chip memory not greater than 65,536 Bytes;

(f) An operand (data) word length of less than or equal to 8 bits and not

having an arithmetic logic unit (ALU) wider than 8 bits;

(g) Not containing multiplication instructions;

(h) Not rated for operation below -20°C or above $+75^{\circ}\text{C}$;

Note 1.—For "speed" or "speed-power dissipation product" computation, see Note 5 to this ECCN 1564A.

Note 2.—Bit-slice microprocessor microcircuits are not released by this sub-paragraph.

(5) Memory microcircuits, as follows:

(a) MOS dynamic random access memories (DRAM) having all of the following characteristics:

(i) A maximum number of bits per package of 4,096 bits and a maximum access time of no less than 250 nanoseconds;

(ii) Not rated for operation below -20°C or above $+75^{\circ}\text{C}$;

(b) Mask programmed ROMs not rated for operation below -20°C or above $+75^{\circ}\text{C}$, as follows:

(i) With a maximum number of bits per package of 2,048 bits and a maximum access time of no less than 450 nanoseconds;

(ii) PMOS or NMOS types with a maximum number of bits per package of 8,192 bits and a maximum access time of no less than 450 nanoseconds;

(iii) PMOS or NMOS types specifically programmed or designed as character generators, having a standard character font, and having a maximum access time of no less than 250 nanoseconds;

(c) MOS static random access memories (SRAM) having both of the following characteristics:

(i) A maximum number of bits per package of 1,024 bits;

(ii) A maximum access time of no less than 450 nanoseconds;

(d) Bipolar RAMs, as follows:

(i) With a maximum number of bits per package of 64 bits and a maximum access time of no less than 30 nanoseconds;

(ii) With a maximum number of bits per package of 256 bits and a maximum access time of no less than 40 nanoseconds;

(iii) With a maximum number of bits per package of 1,024 bits and a maximum access time of no less than 45 nanoseconds;

(6) Microcircuits of the following description:

(a) Non-reprogrammable microcircuits, not capable of addressing external memory, specially designed for and, by virtue of circuit design, normally limited to use only for simple calculators that perform a single

function in response to a keystroke, capable of performing floating point addition of 13 decimal digits (mantissa only) or less in no less than 0.02 second;

(b) Programmable microcircuits specially designed for and, by virtue of circuit design, normally limited to use only for simple key programmable calculators having both of the following characteristics:

(i) Capable of executing a sequence of no more than 256 program steps introduced into a program memory on the chip by a sequence of keystrokes;

(ii) Capable of performing a floating point addition of 13 decimal digits (mantissa only) or less in no less than 0.02 second;

(c) P-channel or N-channel MOS microcircuits specially designed and, by virtue of circuit design, normally limited to use only as serial digital shift registers with a maximum clock rate of 2.5 MHz, and a maximum number of bits per package of 1,024;

(7) Microcircuits of the following description:

(a) Untuned AC amplifier microcircuits having a bandwidth of less than 3 MHz and a maximum rated power dissipation of 5 Watts or less at a case temperature of 25 °C;

(b) Audio amplifier microcircuits having a maximum rated continuous power output of 25 Watts or less at a case temperature of 25 °C;

Note.—For audio amplifiers, the 85° upper temperature limit specified in the heading of sub-paragraph (d)(ii) above is not applicable. The lower limit of -40 °C is applicable.

(8) Operational amplifier microcircuits having all of the following characteristics:

(a) A typical unity-gain open-loop bandwidth of not more than 5 MHz;

(b) A typical open-loop voltage gain of not more than 10⁶, i.e., 120 dB;

(c) Either a maximum intrinsic rated input offset voltage of no less than 1.0 mV or a maximum input offset voltage drift of no less than 5 microvolts per °C;

(d) A typical slew rate, at unity gain, not exceeding 6 volts/microsecond provided that, for microcircuits having a typical slew rate, at unity gain, greater than 2.5 microvolts/second, the typical power dissipation is greater than 10 milliwatts per amplifier;

(9) Analog multiplier and/or divider microcircuits having both of the following characteristics:

(a) A best case rated non-linearity of not better than 0.5 percent of full scale;

(b) A -3dB small-signal bandwidth of not more than 1 MHz;

(10) Isolation amplifier microcircuits;

(11) Instrumentation amplifier microcircuits having all of the following characteristics:

(a) A best case rated non-linearity of not better than 0.01% at a gain of 100;

(b) A maximum gain-bandwidth product not greater than 7.5 MHz (e.g., a maximum bandwidth of 75 kHz at -3 dB and at a gain of 100);

(c) A typical slew rate at unity gain not exceeding 3 volts/microseconds;

(12) Voltage regulator microcircuits, of the following description:

(a) Linear types, having both of the following characteristics:

(i) A rated nominal output voltage of 40 volts or less;

(ii) A maximum output current of 2 amperes or less;

(b) Switching types, having both of the following characteristics:

(i) A rated nominal output voltage of 40 volts or less;

(ii) A maximum output current of 150 mA or less;

Note.—For voltage regulators, the +85 °C upper temperature limit specified in sub-paragraph (d)(ii) above is not applicable. The lower limit of -40 °C is applicable.

(13) Voltage reference microcircuits, having both of the following characteristics:

(a) A rated accuracy of no better than 0.1%;

(b) A temperature coefficient of voltage not less than 15×10^{-6} per K (15 ppm per °C);

(14) Voltage comparator microcircuits, having both of the following characteristics:

(a) A maximum input offset voltage of not less than 2mV, and

(b) A typical switching speed or typical response time of not less than 30 nanoseconds;

(15) Bipolar microcircuits designed for operation in civil applications as externally controlled (by inductive magnetic or optical means) electronic switches, or as threshold value switches with switching times of 0.5 microseconds or greater;

(16) Non-coherent light-emitting alphanumeric displays not incorporating an integrated circuit;

(17) Non-coherent light-emitting alphanumeric displays incorporating an integrated circuit used for decoding, controlling and/or driving that display, provided that the integrated circuit is not integral with the actual display device;

(18) Simple encapsulated photocoupler (transoptor) assemblies with electrical input and output that incorporate non-coherent light-emitting diodes;

(19) Interface microcircuits, of the following description:

(a) Line drivers and line receivers having a typical propagation delay time

from data input to output of not less than 15 nanoseconds;

(b) Sense amplifiers, having both of the following characteristics:

(i) A typical propagation delay time from data input to output of not less than 15 nanoseconds;

(ii) A typical input threshold voltage of not less than 10 millivolts;

(c) Memory and clock drivers, having all of the following characteristics:

(i) A maximum rated output current of 500 milliamperes or less;

(ii) A maximum rated output voltage of 30 volts or less;

(iii) A typical propagation delay time from data input to output of not less than 20 nanoseconds;

(d) Peripheral and display drivers, having all of the following characteristic:

(i) A maximum rated output current of 500 milliamperes or less;

(ii) A typical propagation delay time from data input to output of not less than 20 nanoseconds;

(iii) A maximum rated output voltage of 80 volts or less;

Note.—When propagation delay time is not specified, typical turn-on or turn-off time, whichever is less, should be used.

(20) Voltage-to-frequency converter microcircuits not employing delta or delta/sigma modulation techniques, having both of the following characteristics:

(a) A rated non-linearity of not better than 0.01% of full scale;

(b) A gain drift not less than 50×10^{-6} per °C at rated frequency;

Note.—Gain drift specifies the maximum change in gain over a specified temperature range.

(21) Rms-to-dc voltage converter microcircuits;

(22) Analog-to-digital and digital-to-analog converter microcircuits of the following description:

(a) Analog-to-digital converter microcircuits having both of the following characteristics:

(i) A maximum conversion rate to rated accuracy not greater than 50,000 complete conversions per second; or a maximum conversion time to maximum resolution of not less than 20 microseconds;

(ii) A rated non-linearity of not better than 0.025% of full scale over the specified operating temperature range;

(b) Digital-to-analog converter microcircuits having both of the following characteristics:

(i) A maximum settling time to rated linearity of not less than 5 microseconds for "voltage output", and not less than

250 nanoseconds for current output converters;

(ii) A rated non-linearity of not better than 0.025% of full scale over the specified operating temperature range:

Note.—This sub-paragraph (22)(b) is not intended to release coder, decoder, or coder/decoder (codec) microcircuits specially designed for voice. See ECCN 1527A.

(23) "Non-reprogrammable" silicon microcircuits specially designed or programmed by the "manufacturer" for functional purposes in the following applications:

(a) Automotive electronics (e.g., entertainment, instrumentation, safety, comfort, operations and pollution);

(b) Home electronics, including radio and television, appliances, clocks, watches, audio and video tape recorders, safety, comfort and amusement;

(c) Personal communications up to 150 MHz, including amateur radio communications and intercom;

(d) Uncontrolled cameras (including cine cameras) but excluding imaging microcircuits;

(e) Medical electronic prostheses (e.g., cardiac pacemakers, hearing aids);

Note.—The temperature limits specified in the heading of paragraph (d)(ii) above do not apply to sub-paragraphs (d)(ii)(23) (c) or (d).

(24) Timing microcircuits having both of the following characteristics:

(a) A typical timing error of not less than 0.5%;

(b) A typical rise time of not less than 100 nanoseconds;

(25) Sample and hold microcircuits having both of the following characteristics:

(a) An acquisition time of not less than 10 microseconds;

(b) A maximum non-linearity error of not better than 0.01% of full scale for a hold time of 1 microsecond;

(26) Analog-to-digital converter microcircuits specially designed for digital voltmeter applications and permitting characteristics corresponding to those of instruments free from export control under ECCN 1529A(f); or

(iii) Unencapsulated monolithic integrated circuits not designed or rated as radiation hardened, that are:

(1) Bipolar types designed for operation as digital logic circuit elements but limited to gates, inverters, buffers, bilateral switches, drivers, counters, latches, adders, comparators, parity generators, multiplexers, expanders, flip-flops, multivibrators, code converters, registers, encoders, decoders, demultiplexers, diode matrices, multipliers, and Schmitt-

triggers, and having both of the following characteristics:

(a) A product of the typical basic gate propagation delay time (in nanoseconds) and the power dissipation per basic gate (in milliwatts) not less than 70 pJ (i.e., speed-power product/gate not less than 70 pJ);

(b) A typical propagation delay time not less than 5 nanoseconds (ECCN 1564A does not permit export of complex custom bipolar digital devices.);

(2) Operational amplifiers, having all of the following characteristics:

(a) A typical unity-gain open-loop bandwidth of not more than 5 MHz;

(b) A typical open-loop voltage gain of not more than 100,000 or 100 dB;

(c) A maximum intrinsic rated input offset voltage of not less than 5 mV;

(d) A typical slew rate at unity gain not exceeding 1 volt/microsecond;

(3) Audio amplifiers having a maximum rated power output of 10 watts or less at a case temperature of 25°C;

(4) Non-reprogrammable types specially designed for and, by virtue of circuit design, normally limited to civil users in television and radio receivers, having all of the following characteristics:

(a) Rated for operation at 11 MHz or less;

(b) Not specially designed for station scanning application;

(c) Not utilizing charge-coupled device (CCD) technology;

(d) Not intended for beam lead bonding; and

(e) Not intended by video and/or luminance amplifiers with maximum rated supply voltages exceeding 30 volts or with typical bandwidths greater than 7.5 MHz; and

(5) Non-reprogrammable types that are specially designed for time-keeping applications (e.g., watches and clocks).

Technical Note.—A microcircuit whose function cannot be altered by accepting or executing instructions from any external source is "non-reprogrammable".

Note 1.—Nothing in this ECCN 1564A shall be construed as allowing the export of wafer or chip design or processing information inherent in the manufacture of any controlled class of assembly, sub-assembly, microcircuit or circuit element, irrespective of any decontrol of devices in that class. This restriction also applies to technology embodied in the equipment covered by ECCN 1355A and in its use.

(Advisory) Note 2.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of devices covered by sub-paragraph (c) of the ECCN, and not released by sub-paragraphs (d) (i) and (ii), when they consist of, or are incorporated in, plug-in printed circuit boards

or plug-in modules for use in specifically identified equipment previously exported, and do not upgrade the initial performance of that equipment, provided that the plug-in printed circuit boards or plug-in modules cannot operate independently from the equipment to which they are likely to be connected or inserted.

(Advisory) Note 3.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of integrated circuits covered by sub-paragraph (d)(iii) above only by virtue of being encased in hermetically sealed dual-in-line packages, provided that the stated legitimate civil end-use requires such a package.

(Advisory) Note 4.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of devices, encapsulated or unencapsulated, covered by sub-paragraphs (c) and (d) above, provided that the devices have been designed specifically for identifiable civil applications and, by nature of design or performance, are substantially restricted to the particular application for which they have been designed.

Note 5.—Definitions of Terms—

(a) "Speed" is defined as the time to fetch an operand C and another operand D, both from an external storage outside any work register, add these operands and put the result back in storage. The addressing mode that yields the shortest execution time will be used. The result of the add operation shall be stored in either the same location as one of the addends or in some other location. This choice shall be made to give the shortest execution time at the highest specified clock frequency.

(b) "Speed power dissipation product": The power dissipation shall be the typical value of the clock frequency used in the "speed" computation. The typical value may be obtained by any of the following means:

(i) The specified typical internal power dissipation;

(ii) One half the maximum internal power dissipation;

(iii) The product of the nominal supply voltage and the typical total supply current; or

(iv) One half the product of the nominal supply voltage and the maximum total supply current; whichever is the lowest value specified.

Note 6.—For this purposes of the ECCN 1564A, the "manufacturer" is the individual or organization designing the microcircuit or program for the intended application (in contrast to an individual or organization merely programming a microcircuit at, or in accordance with, a user's request).

Note 7.—Microcircuits are only eligible for release from export control if the design or program is originated either by the "manufacturer" alone or in concert with the microcircuit user and is unalterably fixed at the time of manufacture, and if the "manufacturer" established the design and performance of this microcircuit for the intended end-use. (Microcircuits, including gate arrays and programmable logic arrays, based only or primarily on customer-supplied

circuit design or programs and not meeting the criteria of this Note are not released under the ECCN 1564A.)

(Advisory) Note for the People's Republic of China.—Licenses are likely to be approved for export to satisfactory end-users in the People's Republic of China of the following equipment:

(a) Printed circuit boards and materials controlled by this ECCN 1564A;

(b) Microcircuits defined in (but not released by) sub-paragraphs (d)(ii) (1), (2), (3), (6), (7), (9) through (21), (23) and (24);

(c) Microprocessors having a word size not exceeding 16 bits and a performance parameter fixed point processing data rate (XPDR) of 26.0 or less (see the definition of "total processing data rate" in Note 18 to ECCN 1564A for the definition of "fixed point processing data rate");

(d) Memories that are not specially designed to military standards to be radiation hardened or to operate over military temperature ranges, as follows:

Type	Memory size not exceeding (bits)
MOS DRAMS	64k
MOS SRAMS	16k
ROMs	64k
UV EPROMS	64k
EAROMs	16k
E ² ROMs	32k

(e) All analog-to-digital and digital-to-analog converters not specially designed to military standards to be radiation hardened or to operate over military temperature ranges, as follows: analog-to-digital converters, with conversion time to maximum resolution greater than 500 nanoseconds, and digital-to-analog converters with greater than 500 nanoseconds (voltage) or greater than 25 nanoseconds (current) settling time;

(f) User programmable single chip microcomputers;

(g) Operational amplifiers, sample and hold amplifiers and track and hold amplifiers with slew rates not exceeding 100V/microsecond, provided that they are not specially designed to military standards to be radiation hardened or to operate over military temperature ranges;

(h) Microprocessors peripheral chips designed for use with microprocessors that are likely to be approved for export to China under this Advisory Note;

(i) Photo sensitive arrays, including charge-coupled devices (CCDs), not controlled by ECCN 1564A with 2,048 elements or less;

(j) Other microcircuits manufactured before October 1, 1983, covered by ECCN 1564A and not included above.

(Unencapsulated monolithic integrated circuits will be considered for export on the same basis as equivalent encapsulated devices.)

41. In Supplement No. 1 to § 399.1 (the Commodity Control List), ECCN 1567A in Commodity Group 5 (Electronics and Precision Instruments) is amended as follows:

The phrase "and 'specially designed software'" is removed from the heading of the entry;

The phrase "and 'specially designed software'" is removed from the title of the "List of Stored Program Controlled Communication Switching Equipment or Systems . . . Controlled by ECCN 1567A";

Paragraphs (b)(1)(iii) and (iv), (b)(2)(iii) and (iv), and (b)(3)(vii) and (viii) under the "List of Stored Program Controlled Communication Switching Equipment or Systems . . . Controlled by ECCN 1567A" are removed and reserved;

Paragraphs (f) and (g) of Advisory Note 3 are removed and reserved;

Paragraphs (j) and (k) of Advisory Note 4 are removed and reserved;

Paragraphs (h) and (i) of Advisory Note 5 are removed and reserved;

Paragraphs (k) and (l) of Advisory Note 6 are removed and reserved; and Paragraphs (h) and (j) of Advisory Note 7 are removed and reserved.

42. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1568A is amended by revising paragraphs (e), (f), (k) and (m) of the List of Equipment Controlled by ECCN 1568A, as follows:

1568A Equipment as defined in the List below.

* * *

List of Equipment Controlled by ECCN 1568A

* * *

(e) Induction rate (tachometer) generators, synchronous and asynchronous with a housing diameter of 50.8 mm (2 inches) and smaller and a length (without shaft-ends) of 101.6 mm (4 inches) and smaller or with a diameter-to-length ratio greater than 2:1, having one or more of the following characteristics:

(1) With a rated linearity of 0.1% or less; or

(2) All temperature-compensated or temperature-corrected types;

(f) Servo-motors (gear-head or plain) of the following description:

(1) Designed to operate from power sources of more than 300 Hz, *except those designed to operate from power sources of over 300 Hz up to and not exceeding 400 Hz with a temperature range of from -55 °C to +125 °C*;

(2) Designed to have a torque-to-inertia ratio of 50,000 radians per second² or greater; or

(3) Incorporating special features to secure internal damping;

* * *

(k) Analog-to-digital and digital-to-analog converters other than digital voltmeters or counters (see ECCN 1529A), of the following description:

(1) Electrical input type analog-to-digital converters having any of the following characteristics:

(i) a conversion rate of more than 200,000 complete conversions per second at rated accuracy;

(ii) An accuracy in excess of 1 part in more than 10,000 of full scale over the specified operating temperature range;

(iii) A figure of merit of 1×10^6 or more (derived from the number of complete conversions per second divided by the accuracy);

(2) Electrical input type digital-to-analog converters having any of the following characteristics:

(i) A maximum "settling time" of less than 3 microseconds for voltage output devices and less than 250 nanoseconds for current output devices;

(ii) An accuracy in excess of 1 part in more than 10,000 of full scale over the specified operating temperature range;

(iii) A figure of merit greater than 2×10^6 for voltage output converters or 1×10^{10} for current output converters (the figure of merit is defined as the reciprocal of the product of the maximum settling time in seconds and the accuracy);

(3) Solid-state synchro-to-digital or digital-to-synchro converters and resolver-to-digital or digital-to-resolver converter (including multipole resolvers) having a resolution of better than ± 1 part in 5,000 per full synchro revolution for single speed synchro systems or ± 1 part in 40,000 for dual speed systems;

(4) Mechanical input types (including but not limited to shaft-position encoders and linear displacement encoders, but excluding complex servo-follower systems), of the following description:

(i) Rotary types having an accuracy of better than ± 1 part in 40,000 of full scale; or

(ii) Linear displacement types having a resolution better than ± 5 micrometers;

Note.—"Settling time" in sub-paragraph (k)(2)(i) above is defined as the time required for the output to come within one-half bit of the final value when switching between any two levels of the converters.

* * *

(m) Specially designed components and test equipment (including adapters, couplers, etc.) for the above.

* * *

43. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1570A is amended

by revising paragraph (c) and (d) of the List of Thermoelectric Materials and Devices Controlled by ECCN 1570A, removing paragraph (e) and the parenthetical materials after (e), and adding a Technical Note and two Notes as follows:

1570A Thermoelectric materials and devices.

List of Thermoelectric Materials and Devices Controlled by ECCN 1570A

(c) Heat absorbing or electrical power generating devices containing any of the junctions in sub-paragraph (b) above, and specially designed components therefor; and

(d) Other power generating devices, and specially designed components therefor, that generate in excess of 22 W per kg (10 W per pound) or of 17.70 kW per cubic meter (500 W per cubic foot) of the devices' basic thermoelectric components.

Technical Note: The figure of merit (Z) equals Seebeck coefficient squared divided by the product of electrical resistivity and thermal conductivity. The weight and cubic measurements in sub-paragraph (d) above are not intended to encompass the complete device but to include only the thermoelectric elements and assembly and the components for pumping calories. Other components, such as heating and/or cooling sources or containers, device frames or stands and control equipment are not to be included in the calculations.

Note 1: See also ECCN 1205A(c).

Note 2: Specify by name and model number.

44. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1571A is amended by revising the heading, removing the parenthetical material under the heading, adding a List of Equipment, and adding Technical Notes, as follows:

1571A Magnetometers, magnetometer systems and related equipment, and specially designated components therefor.

Controls for ECCN 1571A

List of Equipment Controlled by ECCN 1571A

(a) Magnetometers and magnetometer systems having or capable of having a sensitivity better than ± 1.0 gamma ($\pm 10^{-9}$ oersteds), except magnetometers having sensitivities not better than ± 0.1 gamma ($\pm 10^{-8}$ oersteds) where the reading rate

capability is not faster than once per half second;

(b) Magnetometer test facilities able to control magnetic field values to an accuracy of 1.0 gamma (10^{-8} oersteds) or less;

(c) Magnetic compensation systems utilizing digital computers, non-magnetic platforms and calibration systems. (For optical fibers, see ECCN 1526A(c) and (d).)

Technical Note 1.—Sensitivity is defined as the visually recognized minimum sinusoidal signal in the frequency range of 0.025 Hz to 1.5 Hz when the signal-to-noise ratio is higher than 1.

Technical Note 2.—The term "specially designed components therefor" is intended to include non-magnetic pumping lamps and heating coils, cryogenic magnetic componentry, enhanced resonance gases, and any form of dynamic signal-processing gradient compensation provided as part of, or designed for use with, magnetometers controlled for export by this ECCN. Enhanced resonance gases are gases of isotopes of cesium, rubidium and other metals that exhibit very sharp bands of response to pumping frequencies in optically pumped magnetometers.

Technical Note 3.—Magnetometer systems use magnetic sensors, including those designed to operate at cryogenic temperatures, compensation systems, displays, recorders and associated electronics for signal processing target parameter detection gradient compensation and dynamic range control.

45. In Supplement No. 1 to § 399.1 (the Commodity Control List) Commodity Group 5 (Electronics and Precision Instruments), ECCN 1572A is amended by revising the heading and paragraphs (a) (b) and (d) of the List of Types of Recording . . . Equipment Controlled by ECCN 1572A: by removing paragraph (e) from that List: and by adding new Notes, as follows:

1572A Recording or reproducing equipment and specially designed components therefor.

Controls for ECCN 1572A

List of Types of Recording and/or Reproducing Equipment Controlled by ECCN 1572A

Recording or reproducing equipment, as follows:

(a) Using magnetic techniques, except:

(i) Those specifically designed for voice or music and not employing digital techniques;

(ii) Those specifically designed to use magnetic card, tag, label or bank check recording media with a magnetic surface area not exceeding 85 sq. cm. (13 sq. in.);

(b) Using electron beam(s) operating in a vacuum, or laser-produced light

beams (see also ECCN 1522A) that produce patterns or images directly on the recording surface, and specialized equipment for image development, as follows:

(i) Equipment specially designed for the production of audio or video disc masters for the replication of entertainment/education type discs; and

(ii) Facsimile equipment incorporating laser, such as used for commercial weather imagery and commercial wire photos and text;

(c) . . .

(d) Recording media used in equipment controlled for export by sub-paragraphs (a) and (b) above.

Note.—The term "recording media" is intended to include all types and forms of specialized recording media used in such recording techniques, including but not limited to tapes, drums, discs and matrices.

Note 1.—Reserved.

Note 2.—Sub-paragraphs (a) or (b) of this ECCN also do not control the following recording or reproducing equipment and specially designed components therefor (recording media used in this equipment are still controlled for export by sub-paragraph (d), see Notes 3 and 6), provided that:

(a) The equipment has been designed for identifiable civil use and by nature of design or performance is substantially restricted to the particular application for which it has been designed;

(b) The equipment has all of the following characteristics:

(1) Not ruggedized;

(2) Not rated for continuous operation in ambient temperatures from below -20°C to above $+55^{\circ}\text{C}$;

(3) Not specifically designed for underwater use;

(c) The equipment is limited as described below:

(1) Video magnetic tape and disc recorders specially designed for television recording, using a signal registered with the CCIR, or specially designed or adapted for use with medical equipment, and having all of the following characteristics:

(i) 3 dB recording bandwidth not exceeding 6 MHz;

(ii) A signal-to-noise ratio not exceeding 48 dB, unless the equipment is a cassette-type recorder, in which case the signal-to-noise ratio does not exceed 52 dB;

(iii) Maximum length of time of a single scan not exceeding 20 milliseconds;

(iv) Portable or transportable and having a net weight not exceeding 50 kg;

(2) Analog magnetic tape recorders specifically designed for use with medical equipment, i.e., for recording physiological signals, and having all of the following characteristics:

(i) Bandwidth capability at maximum design speed not exceeding 300 kHz per track;

(ii) Recording density not exceeding 5,000 magnetic flux sine waves per linear inch (25.4 mm) per track;

Technical Note.—Recording density is, for direct recorders, the recording bandwidth divided by the tape speed; for FM recorders, it is the sum of the carrier frequency and the deviation divided by the tape speed.

(iii) Not including recording and/or reproducing heads of the rotary or floating types or heads designed for use in equipment with characteristics superior to those defined in sub-paragraph (i) or (ii) above;

(iv) Tape speed not exceeding 60 inches (152.4 cm) per second;

(v) Number of recording tracks (excluding audio voice track) not exceeding 20;

(vi) Start-stop time not less than 25 milliseconds;

(vii) Equipped with tape-derived (off-tape) servo speed control and with a time displacement (base) error of not less than ± 5 microseconds at a tape speed of 60 inches (152.4 cm) per second and not less than ± 10 microseconds at any lower tape speed measured in accordance with applicable IRIG and EIA documents;

(3) Digital tape recorders specially designed for the collection of medical data obtained from nuclear or other ionizing radiation measurements and having all of the following characteristics:

(i) Mean packing density, with less than 5 percent loss of pulses, not exceeding 800 pulses per inch per track;

(ii) Characteristics not superior to those defined in sub-paragraphs (c)(2)(iii), (vi) and (vii) above;

(iii) Tape speed not exceeding 37.5 inches (95 cm) per second;

(iv) Number of recording tracks not exceeding 8;

(v) Packing density not exceeding 800 bits per inch per track;

(4) Equipment using electron beam(s) operating in a vacuum specially designed for television recording on film, using a signal registered with the CCIR and having all of the following characteristics:

(i) Pattern or image frame size not exceeding 3 mm X 2.3 mm;

(ii) Pattern or image not exceeding 312.5 lines per frame;

(iii) Beam spot position stability not better than 0.3 percent;

(iv) 3 dB recording bandwidth not exceeding 4 MHz;

(5) Digital recording and reproducing equipment operating serially with a packing density not exceeding 800 bits per inch per track specially for use with, and incorporated in, typewriter systems used for preparing, correcting or composing text;

(6) Recording or reproducing equipment limited to both:

(i) A tape width not exceeding $\frac{1}{4}$ inch (6.35 mm) and

(ii) Digital recording techniques in serial form with a packing density not exceeding 800 b.p.i.;

Technical Note.—Packing density is, for digital recorders, the number of bits per second per track divided by the tape speed.

Note 3.—Sub-paragraph (d) of this ECCN does not control the following magnetic tape and flexible disc cartridge recording media, provided that:

(a) The magnetic tape is a standard commercial product that has been in use in

quantity for at least two years and is not designed for use in satellite applications;

(b) The base material consists only of polyester or cellulose acetate;

(c) The magnetic tape recording media with a magnetic coating material consisting only of undoped gamma-ferric (iron) oxide with a rated intrinsic coercivity not exceeding 350 oersteds is limited to the following types and characteristics:

(1) Video tape designed for television recording and reproduction or instrumentation tape designed for analog recording and reproduction, and having all of the following characteristics:

(i) Not designed for use in video recorders having a 3 dB recording bandwidth exceeding 6 MHz or in analog recorders having a recording density exceeding 5,000 magnetic flux sine waves per linear inch (25.4 mm) per track;

(ii) A tape width not exceeding 1 inch (25.4 mm);

(iii) A magnetic coating thickness not less than 0.40 mil (10.2 micrometers);

(iv) A tape length not exceeding 4,600 feet (1,402 meters);

(2) Computer tape designed for digital longitudinal recording and reproduction and having all of the following characteristics:

(i) A magnetic coating certified for a maximum packing density of 6,250 bits per inch (9,042 flux changes per inch) along the length of the tapes;

(ii) A magnetic coating thickness not less than 5.08 micrometers (0.2 mil);

(iii) A tape width not exceeding 1 inch (25.4 mm);

(iv) A tape length not exceeding 3,600 feet (1,097 meters);

(3) Computer tape in cassettes/cartridges designed for digital longitudinal recording and reproduction and having all of the following characteristics:

(i) A magnetic coating certified for a maximum packing density of 1,600 bits per inch (3,200 flux changes per inch) along the length of the tape;

(ii) A magnetic coating thickness not less than 0.17 mil (4.32 micrometers);

(iii) A tape width not exceeding $\frac{1}{4}$ inch (6.35 mm);

(iv) A tape length not exceeding 900 feet (274.3 meters);

(4) Computer flexible disc cartridges designed for digital recording and reproduction and having all of the following characteristics:

(i) A magnetic coating certified for a maximum packing density of 13,262 flux changes per radian (3,268 bits per inch, at a radius of 2.029 inches (51.536 mm) around the disc);

(ii) A magnetic coating thickness not less than 0.1 mil (2.54 micrometers);

(iii) A disc thickness not exceeding 80 micrometers (0.003 inch);

(iv) A disc outer diameter not exceeding 7.88 inches (201 mm);

(v) A disc inner diameter not exceeding 1.5 inch (38.1 mm);

(d) The magnetic tape recording media with a magnetic coating material consisting only of chromium dioxide with a rated intrinsic coercivity not exceeding 650 oersteds are limited to video tape specially designed for

the video recorders defined in NOTE 2(c)(1) and having both of the following characteristics:

(1) A tape width not exceeding 1 inch (25.4 mm);

(2) A tape length not exceeding 1,800 feet (548.6 meters);

(e) The magnetic tape recording media in video tape cassettes are specially designed for the video recorders defined in Note 2

(c)(1) and have all of the following characteristics:

(1) A rated intrinsic coercivity not exceeding 750 oersteds;

(2) A magnetic coating thickness not less than 0.1 mil (2.54 micrometers);

(3) A tape length not exceeding 1,800 feet (548.6 meters);

(4) A tape width not exceeding $\frac{1}{4}$ inch (19.05 mm).

Note 4.—Sub-paragraph (a)(i) of this ECCN does not control normal civil use digital recording and reproducing equipment specially designed for recording or reproducing voice or music on tape or disc.

(Advisory) **Note 5:** Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of reasonable quantities of equipment controlled for export by sub-paragraph (a) of this ECCN, and specially designed components and recording media therefor controlled by sub-paragraph (d) for use with the above exported equipment, as follows:

(a) Video magnetic tape recorders specially designed for television recording, using a signal registered with the CCIR, or specially designed or adapted for use with medical equipment, and having all of the following characteristics:

(1) 3 dB recording bandwidth not exceeding 6 MHz;

(2) Maximum length of time of a single scan not exceeding 20 milliseconds;

(3) Not ruggedized;

(b) Analog magnetic tape recorders having all of the following characteristics:

(1) Bandwidth capability at a maximum design speed not exceeding 300 kHz per track;

(2) Recording density not exceeding 5,000 magnetic flux sine waves per linear inch (25.4 mm) per track;

Technical Note.—Recording density is, for direct recorders, the recording bandwidth divided by the tape speed, and, for FM recorders, the sum of the carrier frequency and the deviation divided by the tape speed;

(3) Not ruggedized;

(4) Not rated for continuous operation in ambient temperatures ranging from less than -20°C to greater than $+55^{\circ}\text{C}$;

(5) Not specifically designed for underwater use;

(6) Not including recording or reproducing heads of the rotary or floating types or designed for use in equipment with characteristics superior to those defined in sub-paragraphs (b)(1) and (2) above;

(7) Tape speed not exceeding 60 inches (152.4 cm) per second;

(8) Number of recording tracks (excluding audio voice track) not exceeding 16 channels for direct recording and 28 channels for FM recording;

(9) Start-stop time not less than 25 milliseconds;

(10) Equipped with tape-derived (off-tape) servo speed control and with a time displacement (base) error of not less than ± 5 microseconds at a tape speed of 60 inches (152.4 cm) per second and not less than ± 10 microseconds at any lower tape speed measured in accordance with applicable IRIG and EIA documents;

(c) Systems for use in civil aircraft or helicopters to record flight data for safety or maintenance purposes, and having all of the following characteristics:

(1) In normal civil use for more than one year;

(2) Not exceeding 100 input channels;

(3) Sum of the individual channel recording bandwidths not exceeding 500 Hz;

(d) Incremental recorders or reproducers (i.e., equipment designed for discontinuous sampling or collection of data in an incremental manner) having all of the following characteristics:

(1) The maximum tape speed, at the maximum stepping rate, does not exceed 2 inches (50.8 mm) per second;

(2) The equipment has all of the characteristics specified in sub-paragraphs (b) (3) to (6) of this Note;

(e) Digital magnetic recorders specially designed for seismic/geophysical applications and operating in the frequency range of 5 to 800 Hz;

(f) Digital recording and reproducing equipment operating serially with a packing density not exceeding 1,600 bits per inch per track, specially designed for use with, and incorporated in, typewriting systems used for preparing, correcting or composing text.

(Advisory) Note 6.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY for use in civil television recording and reproducing applications, of reasonable quantities of the following types of magnetic tape recording media covered by sub-paragraph (d) of this ECCN whose base material consists only of polyester or cellulose acetate:

(a) With a magnetic coating material consisting only of undoped gamma-ferric (iron) oxide with a related intrinsic coercivity not exceeding 350 oersteds and limited to video tape designed for television recording and reproduction with a tape width not exceeding 2 inches (50.8 mm);

(b) With a magnetic coating material consisting only of chromium dioxide with a rated intrinsic coercivity not exceeding 750 oersteds and limited to video tape designed for television recording and reproduction with a tape width not exceeding 1 inch (25.4 mm);

(c) With a magnetic coating material consisting only of doped or undoped gamma-ferric (iron) oxide with a rated intrinsic coercivity not exceeding 850 oersteds, and limited to video tape designed for television recording and reproduction and having all of the following characteristics:

(1) Not designed for use in video recorders having a 3 dB recording bandwidth exceeding 6 MHz;

(2) A magnetic coating thickness not less than 0.2 mil (5.1 micrometers);

(3) A tape length not exceeding 2,400 feet (732 meters);

(4) A tape width not exceeding 1 inch (25.4 mm).

(Advisory) Note 7.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY for the shipment of reasonable quantities of computer magnetic disc recording media covered by sub-paragraph (d) of this ECCN for use in civil digital computer applications provided that:

(a) The magnetic disc recording media are a standard commercial product, have not been designed as ruggedized equipment and are neither capable of meeting military specifications for ruggedized equipment nor modified for military use;

(b) The magnetic disc recording media are limited to the following types and characteristics:

(1) Unrecorded single-disc cartridges (front loading, 2,200 b.p.i.) (2315-type) designed to meet ANSI X3.52-1976;

(2) Unrecorded single-disc cartridges (top loading, 2,200 b.p.i.) (5440-type) designed to meet International Standard ISO 3562-1976;

(3) Unrecorded magnetic six-disc packs (2311-type) designed to meet ANSI X3.46-1974 or International Standard ISO 2864-1974(E);

(4) Unrecorded eleven-disc packs (single-density or double-density 2314-type) designed to meet ANSI X3.58-1977 or International Standard ISO 3564-1976.

(Advisory) Note 8.—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of reasonable quantities of analog magnetic tape recorders controlled for export by sub-paragraph (a) of this ECCN, and specially designed components and recording media therefor controlled by sub-paragraph (d), for use with those recorders, provided that:

(a) The equipment is for a legitimate civil end-use and is reasonable for that use;

(b) Details of such equipment have previously been submitted to the Department of Commerce and a determination has been made that the equipment is eligible for special treatment;

(c) The analog magnetic tape recorders are limited as follows:

(1) Characteristics not superior to those defined in (Advisory) Note 5(b) (1) to (9);

(2) Equipped with tape-derived (off-tape) servo speed control and with a time displacement (base) error of not less than ± 0.8 microsecond at a tape speed of 60 inches (152.4 cm) per second and not less than ± 1.6 microsecond at any lower tape speed measured in accordance with applicable IRIG and EIA documents.

Note 9.—For equipment that may be exported in conjunction with computer shipments, see ECCN 1565A.

(Advisory) Note.—For the People's Republic of China—Licenses are likely to be approved for export to satisfactory end-users in the People's Republic of China of the following equipment:

(a) Equipment defined in sub-paragraph (c) of this ECCN that are galvanometer-based recorders not incorporating a cathode-ray tube with a fiber optic faceplate;

(b) Equipment defined in sub-paragraph (d) that is specifically designed for tape

verification or certification, provided that the machines are not designed for certifying high resolution tape;

(High resolution tape is tape having 10,000 bits-per-inch (b.p.i.). For analog systems, high resolution tapes refer to tapes having a coating thickness of 120 micro inches or smaller, such as those intended for use with 1-MHz bandwidth instrumentation recorders.)

(c) Analog magnetic instrumentation recorders having bandwidths up to 2-Megahertz for quantities less than ten, and for end-users/end-users types previously approved;

(d) Instrumentation digital recorders (cartridge or cassette) normally incorporated in equipment and using a quarter-inch tape and having a packing density of 1600 bits-per-inch per channel or less, and having up to four channels;

(e) Magnetic tape designed and appropriate for use with magnetic tape recorders likely to be approved for export to China under this Advisory Note;

(f) Discs for drives designed for equipment likely to be approved for export to China under this Advisory Note; and

(g) Spare parts to support previously-approved seismic recorders, except that a one-for-one exchange is required on critical parts (e.g., servos, heads, basket motors).

46. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), a new ECCN 1573A is added (in numerical order, disregarding the first digit), reading as follows:

1573A Superconductive electromagnets and solenoids.

Controls for ECCN 1573A

Unit: Report in "number."

Validated License Required: Country Groups QSTVWYZ.

GLV \$ Value Limit: \$1,000 for Country Groups T&V, except \$0 for the People's Republic of China; \$0 for all other destinations.

Processing Code: TE.

Reason for Control: National security.

Special Licenses Available: None.

List of Items Controlled by ECCN 1573A

Superconductive electromagnets and solenoids, as follows:

(a) Those having a non-uniform distribution of current-carrying windings, measured along the axis of symmetry when specially designed for gyrotion application, *except those rated for magnetic field strength of less than 3 tesla (30 kilogauss) or "overall current density" in the windings of less than 10,000 A/cm²;*

(b) Those specially designed to be fully charged or discharged in less than one minute, provided that:

(1) The maximum energy delivered during discharge divided by the duration

of the discharge is more than 500 kJ per minute;

(2) The inner diameter of the current-carrying windings is more than 6 cm; and

(3) They are rated for magnetic field strengths of more than 8 tesla (80 kilogauss) or "overall current density" in the windings of more than 10,000 A/cm².

Technical Note.—"Overall current density" is defined as the total number of ampere-turns in the coil (i.e., the sum of the number of turns multiplied by the maximum current carried by each turn) divided by the total cross-section of the coil (comprising the superconducting filaments, the metallic matrix in which the superconducting filaments are embedded, the encapsulating material, any cooling channels, etc.).

47. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), a new ECCN 1574A is added (in numerical order, disregarding the first digit), reading as follows:

1574A Electronic devices, circuits and systems as listed in this entry.

Controls for ECCN 1574A

Unit: Report in "number."

Validated License Required: Country Groups QSTVWYZ.

GLV \$ Value Limit: \$1,000 for Country Groups T&V, except \$0 for the People's Republic of China; \$0 for all other destinations.

Processing Code: TE.

Reason for Control: National security.

Special Licenses Available: None.

List of Items Controlled by ECCN 1574A

Electronic devices, circuits and systems specially designed for or capable of operation at temperatures below 103 K (−170 °C, −274 °F) and containing components manufactured from superconducting materials that perform functions such as electromagnetic sensing and amplification, current switching, frequency selection or electromagnetic energy storage at resonant frequencies above 1 MHz. These include the following:

- (a) Josephson-effect devices;
- (b) "Dayem bridges";
- (c) Weak-link devices;
- (d) "Proximity-effect devices";
- (e) Phase slip devices;
- (f) SNS (super-normal-super) bridges;
- (g) SIS (superconducting-insulator-superconductor) devices;
- (h) Quasiparticle devices or detectors.

Technical Notes.—1. By "Dayem bridges" are meant superconducting thin film devices with a reduced section area that acts as a conductive weak link. This weak link has a much lower critical current than the areas it joins. Dayem bridges can act as

superconducting switches and may be employed in superconducting quantum interferences devices (squids).

2. By "proximity-effect devices" are meant superconducting weak link devices whose low critical current is due to an overlay of normal metal rather than small area. These devices can be used for the same purposes as Dayem bridges.

48. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1584A is amended by revising the heading and List of Characteristics . . . Controlled by ECCN 1584A, and by adding Notes, as follows:

1584A Cathode-ray oscilloscopes and specially designed components therefore, including associated plug-in units, external amplifiers, pre-amplifiers and sampling devices, as listed in this entry.

List of Characteristics of Equipment Controlled by ECCN 1584A

(a) An amplifier or system bandwidth greater than 250 MHz (defined as the band of frequencies over which the deflection on the cathode-ray tube does not fall below 70.7% of that at maximum point measured with a constant input voltage to the amplifier);

(b) A horizontal sweep faster than 1 nanosecond per cm with an accuracy (linearity) better than 2%;

(c) Containing or designed for use with cathode-ray tubes controlled by ECCN 1541A(c);

(d) Ruggedized to meet a military specification;

(e) Rated for operation over an ambient temperature range of from below −25 °C to +55 °C;

(f) Using sampling techniques for the analysis of recurring phenomena that increase the effective bandwidth of an oscilloscope or time-domain reflectometer to a frequency greater than 4 GHz; or

(g) Digital oscilloscopes with sequential sampling of the input signal at an interval of less than 50 nanoseconds.

(Specify by name and model number.)

Notes.—1. Nothing in the above shall be construed as sanctioning the export of technology, except technology for maintenance, repair and operation of oscilloscopes excluded from export controls under sub-paragraph (a) above, that—

(a) Use cathode-ray tubes controlled by ECCN 1541A(b); or

(b) Exceed an amplifier bandwidth of 200 MHz.

2. In the case of systems, the characteristics of individual plug-ins, probes of mainframes must not be in excess of what is required for overall system bandwidth.

49. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1586A is amended by revising the heading and paragraphs (a) and (c) of the List of Acoustic Wave Devices . . . Controlled by ECCN 1586A, as follows:

1586A Acoustic wave devices and specially designed components therefor.

List of Acoustic Wave Devices and Specially Designed Components Controlled by ECCN 1586A

(a) Surface acoustic wave and surface skimming (shallow bulk) acoustic wave devices (i.e., signal-processing devices employing elastic waves in materials, including but not limited to lithium niobate, lithium tantalate, bismuth germanium oxide, silicon, quartz, zinc oxide, aluminium oxide (sapphire), gallium arsenide and alpha-aluminium phosphate (berlinite), which permit direct processing of signals, including but not limited to convolvers, correlators (fixed, programmable and memory), oscillators, bandpass filters, delay lines (fixed and tapped) and non-linear devices, having any of the following characteristics:

(1) A carrier frequency of greater than 400 MHz;

(2) A carrier frequency of 400 MHz or less, except those specially designed for home electronics and entertainment type applications, having any of the following characteristics:

(i) A side-lobe rejection of greater than 45 dB;

(ii) A product of the maximum delay time and the bandwidth (time in microseconds and bandwidth in MHz) greater than 100;

(iii) A dispersive delay of greater than 10 microseconds;

(iv) An insertion loss of less than 10 dB;

(b) * * *

(c) Acousto-optic signal-processing devices employing an interaction between acoustic waves (bulk wave or surface wave) and light waves that permit the direct processing of signals, including but not limited to spectral analysis, correlation and convolution.

Technical Note.—This sub-paragraph controls devices made from acousto-optic materials, including but not limited to lithium niobate, bismuth germanium oxide, bismuth silicon oxide, gallium arsenide, gallium phosphide, tellurium oxide and lead molybdenate.

Note.—Reserved.

(Advisory) Note 1.—Licenses are likely to be approved for export to satisfactory end-

users in Country Groups QWY of devices defined in sub-paragraph (a)(1) above that are specially designed for use in civil television equipment and operate at frequencies below 1 GHz.

Note 2.—Reserved.

50. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1587A is amended by revising the List of Characteristics of Quartz Crystals and Assemblies Thereof Controlled by ECCN 1587A, as follows:

1587A Quartz crystals and assemblies thereof in any stage of fabrication (i.e., worked semi-finished or mounted).

List of Characteristics of Quartz Crystals and Assemblies Thereof Controlled by ECCN 1587A

(a) For use as filter elements, and having either of the following characteristics:

(1) Designed for operation over a temperature range wider than 125 °C; or
(2) Crystals or assemblies of crystals that use the trapped energy phenomenon and have more than three series or parallel resonances on a single quartz element;

(b) For use as oscillator elements specially designed for temperature-controlled crystal ovens or for TCXO's covered by (c) below, and having an average ageing rate of $\pm 1 \times 10^{-6}$ per day or better (less);

Note.—Ageing rate shall be measured over a longer period at a constant temperature of +60 °C or higher that vary only by +2 °C.

(c) Temperature-compensated crystal oscillators having any of the following characteristics:

(1) A stability with respect to temperature of better than ± 0.00015 percent over their operating temperature range;

(2) An operating temperature range wider than 120 °C;

(3) Capable of reaching to within 1×10^{-2} of normal operating frequency or better in 3 minutes or less from

switch-on at an ambient temperature of 25 °C;

(4) Rated to have an acceleration sensitivity of less than 1×10^{-6} of the operating frequency per g (where $g = 981$ cm/sec²) over a vibration test frequency range from 10 to 2,000 Hz sine wave and with a maximum level of acceleration not exceeding 20 g;

(5) Designed to withstand a shock greater than 10,000 g (where $g = 981$ cm/sec²) over a period of 1 millisecond; or

(6) Radiation hardened to better than 10^{-10} of the operating frequency per gray ($1 \text{ rad} = 10^{-2} \text{ gray}$).

Notes.—1. This ECCN does not control quartz crystals for use as filter elements that have either of the following characteristics:

(a) Designed for operation as intermediate frequency filters operating from 10.5 to 11 MHz or from 21 to 22 MHz with 3 dB bandwidths not exceeding 40 kHz; or

(b) Designed for operation as single side-band filters operating at from 1 to 10 MHz with 3 dB bandwidths not exceeding 45 kHz.

2. This ECCN only covers quartz crystals having piezo-electric qualities. This definition does not cover optical grade quartz crystals.

3. Nothing in this ECCN shall be construed as sanctioning the export of technology for quartz crystal elements or assemblies thereof.

51. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1588A is amended by revising paragraphs (e)(1), (f), and (g)(1) under the List of Materials Composed of Crystals Controlled by ECCN 1588A, as follows:

1588A Materials composed of crystals . . . and devices containing them.

(e) * * *

(1) Plated wire and plated rods;

(f) Magnetic ferrite materials having square loop characteristics, suitable for operation above 1 GHz and having all of the following characteristics:

(1) A saturation magnetization of:

(i) Greater than 0.2 tesla (2,000 gauss) for lithium-based ferrites; or

(ii) Greater than 0.3 tesla (3,000 gauss) for other than lithium-based ferrites;

(2) A dielectric loss tangent of less than 0.001 measured at a frequency of 1 GHz or greater;

(3) A ratio of the remanent magnetization (B_r) to the saturation magnetization ($4\pi M_s$) equal to or greater than 0.7; and

(g) * * *

(1) Switching rate of 0.3 microsecond or faster at the minimum field strength required for switching at 104 °F (40 °C); or

(2) * * *

52. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1595A is amended by revising the words "stable accuracy" in the Advisory Note to read "static accuracy" and by revising the heading and GLV \$ Value Limit to read as follows:

1595A Gravity meters (gravimeters), gravity gradiometers and specially designed components therefor, except gravity meters for land use having static accuracies of 100 microgal or less accurate, and land gravity meters of the Worden types.

GLV \$ Value Limit: \$1,000 for Country Groups T&V, except \$0 for the People's Republic of China, \$0 for all other destinations.

53. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 5595D is amended by revising the GLV \$ Value Limit to read "\$2,000 for Country Groups Q. General License GLV is not applicable to other destinations; however, another general license may apply."

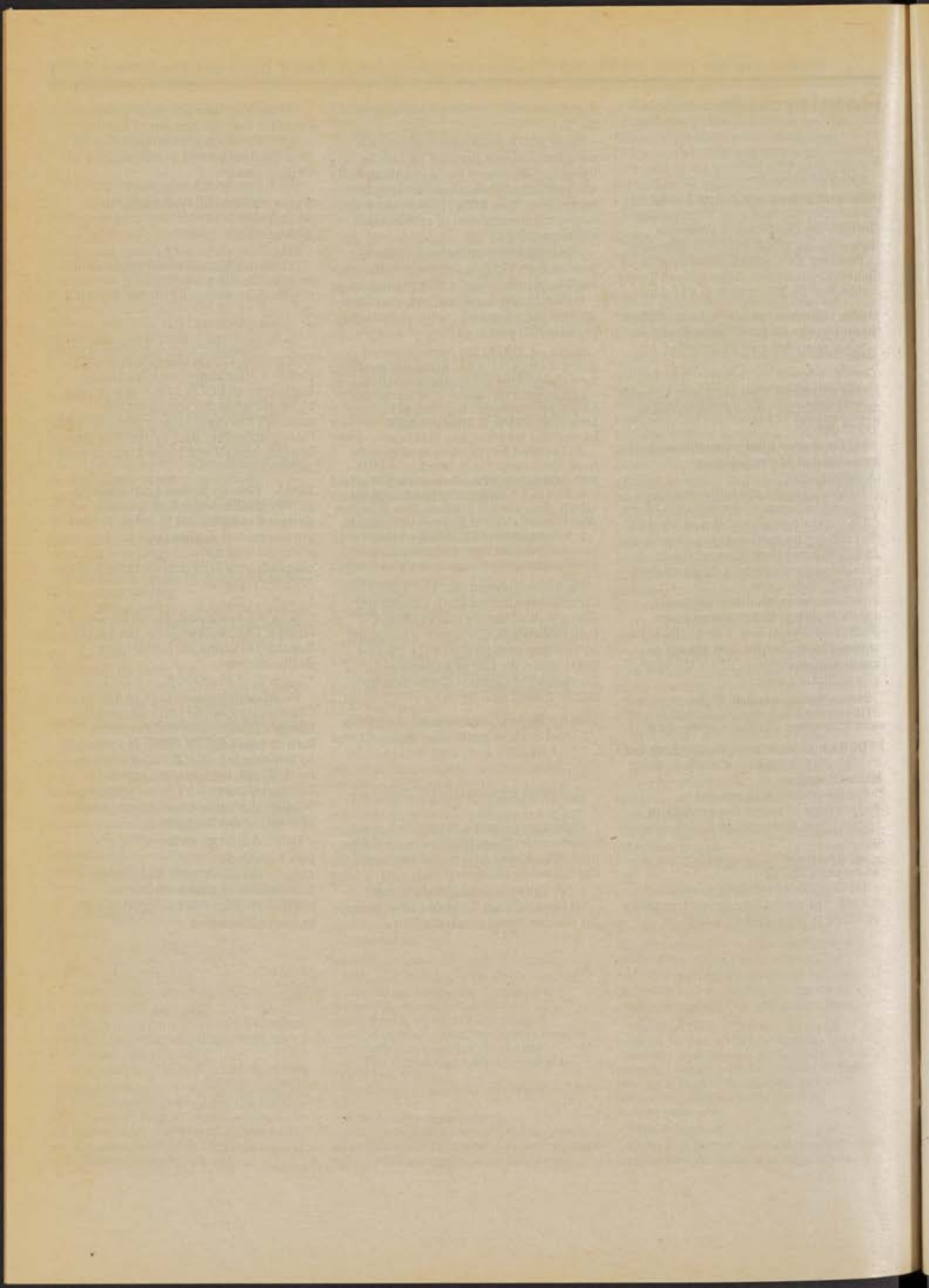
Dated: August 28, 1985.

John K. Boidock,

Director, Office of Export Administration,
International Trade Administration.

[FR Doc. 85-21327 Filed 9-5-85; 8:45 am]

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